

13 FEBRUARY 1948

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1 Friday, 13 February 1948

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE LORD PATRICK,
14 Member from the United Kingdom of Great Britain and
15 HONORABLE JUSTICE R. B. PAL, Member from India, not
16 sitting from 0930 to 1600; HONORABLE JUSTICE JU-AO MEI,
17 Member from the Republic of China, not sitting from
18 0930 to 1200 and 1500 to 1600; HONORABLE JUSTICE I. M.
19 ZARYANOV, Member from the USSR., not sitting from 1330
20 to 1600.

21 For the Prosecution Section, same as before.

22 For the Defense Section, same as before.

23 - - -

24 (English to Japanese and Japanese
25 to English interpretation was made by the
Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All the accused are present
3 except UMEZU, who is represented by counsel. The
4 Sugamo Prison surgeon certifies that he is ill and
5 unable to attend the trial today. The certificate
6 will be recorded and filed.

7 Mr. Brown.

8 MR. BROWN: E-89. To put these policies into
9 effect, pursuant to laws promulgated on April 30,
10 1938, two national policy companies were created.^{a.}
11 For North China there was established the North China
12 Development Company, capitalized at 350,000,000 yen,
13 to accelerate economic development in that area and
14 to coordinate and adjust related undertakings. The
15 company was a holding company and was not to engage
16 directly in business enterprises, but was to organize
17 many subsidiaries under joint Sino-Japanese management
18 and to adjust them so as to eliminate matters hindering
19 the systematized growth of enterprise relating to the
20 development of natural resources and other industry.
21 Guidance was to be given the subsidiaries through
22 capital in the hands of the holding company. To foster
23 this company, the government of Japan invested half
24
25

E-89.

a. Ex. 460A, T. 5261.

1 the capital, subordinated itself to private investors
2 as to dividend rights and granted subsidies for five
3 years. The company, on the other hand, had to obtain
4 government approval for loans, mergers, dissolution,
5 dividends, plans for investment and financing, and
6 the government could give orders necessary for super-
7 vision and national defense.^{b.}

8 THE PRESIDENT: The Member from China has
9 notified me that owing to a breakdown in his trans-
10 port he is unable to be present for the time being.

11 MR. BROWN: E-90. In July 1938, the North
12 China Telegraph and Telephone Company, a subsidiary of
13 the North China Development Company, was established
14 and capitalized at 35,000,000 yen, of which ten
15 million was contributed by the Provisional Government
16 and the balance by the holding company. This company,
17 whose function was to construct and operate wire,
18 wireless, telephone and submarine cables, was not
19 limited to North China, but was to operate between
20 Japan, Manchukuo and the rest of the world. The
21 holding company directed the iron and steel industry
22 in North China, which possessed 200,000,000 of China's
23 350,000,000 tons of iron ore, and also directed the
24 coal industry which possessed 50 percent to 70 percent
25 E-89.

b. Ex. 460A, T. 5261-6.

of China's 130-140 billion tons of coal. Large amounts of this coal were earmarked for export to Japan. A company to manufacture, sell and use salt was established to fulfill Japan's needs in this commodity.^a.

E-91. For Central China, a similar holding company, the Central China Promotion Company, was established. This company had the same rights and was subject to the same duties as the North China company, except that its capitalization was limited to 100,000,000 yen, as it was mainly designed to promote economic reconstruction in Central China, and it could operate business directly as well as through subsidiaries under special circumstances.^a. Even before this company was set up, the Central China Iron Mine Company was created on April 8, 1938, to develop the 100,000,000 tons of coal of this area. The original investment in the company was all Japanese. Concerns to control inland water transportation and to operate busses, fisheries and salt manufacturies were established.^b. By the end of 1940, the Central China Promotion Company already had twelve subsidiaries.^c.

E-90.

a. Ex. 461A,
T. 5268-74.

E-91.

a. Ex. 460A, T. 5261-6.
b. Ex. 461A, T. 5275-7.
c. Ex. 462A, T. 5282.

E-92. Through these corporations and through
1 other more direct means, the Japanese took over the
2 entire economy of occupied China. In 1940, the Cabinet
3 Information Board admitted that all deserted factories
4 had been placed under the supervision of the Japanese
5 army or consigned to Japanese interests, and many
6 others had been reopened with the aid of Japanese
7 capital and engineering skill:^{a.} The witness Goette
8 testified that Japanese by the hundreds and thousands
9 went into the economic life of China and made no effort
10 to hide their control. In Shansi Province the army
11 itself directly operated iron smelters and tobacco,
12 flour, and cotton mills at a profit. In other areas,
13 such as North China, industry was turned over to the
14 subsidiaries of the holding companies.^{b.} The Japanese
15 made no attempt to conceal the fact that much of their
16 operations was for Japan's own peace time and war
17 industries. A new currency was created and a new
18 government bank established. Regulations were placed
19 on all exporters and importers except Japanese, result-
20 ing in gradual strangulation of all foreign trade
21 other than with Japan.^{c.} On October 6, 1938, Ambassador
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23
24 E-92.

25 a. Ex. 462A, T. 5280.

b. T. 3860-3.

c. T. 3864-8.

Grew pointed out that the events in Manchuria were
1 being repeated and that Japan had established exchange
2 control in North China which discriminated against non-
3 Japanese, had altered the customs tariffs, had brought
4 communications and transportation under Japanese
5 agencies and had created and was proposing to create
6 monopolies in wool and tobacco, and that Japan was in
7 general seeking to establish in China a general prefer-
8 ence for Japanese interests. Foreign Minister ARITA's
9 reply admitted for the most part Grew's statements and
10 attempted to justify Japan's actions.^{d.}
11

12 E-93. While the defense has attempted to
13 maintain that all economic activity in China was for
14 the benefit of China and Greater East Asia, the evidence
15 is clear that it was all done for the benefit of Japan
16 and that the Japanese confiscated Chinese property
17 and robbed, depleted, and despoiled the resources and
18 wealth of China. Defense witness KAWAMOTO, in attempt-
19 ing to minimize the depletion of China's resources,
20 stated that the export to Japan of iron ore from North
21 China and coal from all of China from 1939 to 1941 was
22 below 50 percent and that the balance was sufficient
23 for Chinese needs.^{a.} It may be assumed that the amount
24

25 E-92.

d. Ex. 457,
T. 5210-32.

E-93.

a. Ex. 2576,
T. 21880.

1 of export was not much less than 50 percent or it
2 would have been so stated. That the amounts left
3 for China were not sufficient can be clearly seen
4 from Goette's testimony that in Peiping, the heart
5 of the rich coal area where it had always been cheap
6 and plentiful, the people could not obtain coal for
7 heating their homes.^b The witness Chen Ta-Shou
8 testified that of 4,300,000 tons of iron ore mined
9 under the Japanese only 700,000 tons were used to pro-
10 duce pig iron by a very wasteful process. Of the
11 balance, 1,400,000 tons were sent to Manchuria, and
12 1,030,000 tons were sent to Japan. The iron smelting
13 furnaces were in large measure ruined, requiring
14 extensive repairs and construction work. In the coal
15 fields, the plants were denuded and the mines worked
16 without any development work being done, so that mines
17 above a certain level were mined out or made inacces-
18 sible.^c The witness Tung Shu-Ming testified as to
19 several instances in the electrical industry where the
20 Japanese in Central China took over the assets of
21 Chinese companies at values of only a fraction of real
22 value even when computed in terms of a non-inflated
23 currency. Such small amounts as were paid were invested
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25 E-93.

b. T. 3867.

c. T. 5199-201.

in shares of the subsidiaries of the Central China
1 Promotion Company, and the shares were held by the
2 puppet government. Equipment was destroyed or sold
3 and removed, and no attempt was made to keep the
4 plants in repair. The result, as might be expected,
5 was a complete power shortage.^{d.}

6 E-94. What Japanese control of China's
7 economy signified is clearly illustrated by Japan's
8 own statistics. From 1931 to 1945, the import of
9 salt from China to Japan increased from 1,960,000
10 yen to 167,501,000 yen; imports of coal increased
11 from 3,902,000 yen to 145,430,000 yen; and iron
12 imports increased from 4,180,000 yen to 95,930,000
13 yen.^{a.}

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25 E-93.
d. T. 4426-42

E-94.
a. Ex. 467, T. 5338-9.

3. NARCOTICS.

1 E-95. The march of Japan through China
2 brought with it, as it had earlier in Manchuria, the
3 enforcement of the Japanese policy of narcotization
4 in the occupied areas for purposes of raising revenue
5 for Japan's plans of aggression and of debauching the
6 people to keep them subservient to the will and de-
7 sire of Japan. The enforcement of this policy marked
8 a definite retrogressive step for the people of
9 China. Prior to the occupation of large areas of
10 Chinese territory by the Japanese, the Chinese govern-
11 ment had been remarkably effective in controlling and
12 eradicating the evil of opium and narcotics. Dr.
13 Bates, an experienced investigator who resided in
14 China for many years, testified that for ten years
15 prior to December 1937 there was no open and notorious
16 sale of opium and narcotics in Nanking, and the opium
17 that was used was smoked in back rooms by older men.^{a.}
18 In 1939, the Chinese representative to the League of
19 Nations Advisory Committee on Traffic in Opium and
20 other dangerous Drugs was able to report that measures
21 taken by China had produced highly satisfactory re-
22 sults, which had been confirmed by neutral sources.
23 He was able to report effective enforcement, decrease
24

25 E-95 a. T. 2649-50

1 in use, adequate treatment and cure of addicts and
2 the elimination of all poppy cultivation after 1939.
3 He pointed out that it had been possible to carry
4 out the plans according to schedule.^{b.}

5 E-96. Even before Japan had actively begun
6 its aggressive action in China, it was well launched
7 in its program of narcotization of the Chinese people.
8 In November 1934, the United States attache at Shang-
9 hai reported that a huge transaction in opium was
10 being negotiated between the Japanese Formosan
11 Government and the Amoy Combine for Opium under the
12 leadership of Paul Yip, head of the Monopoly Bureau
13 at Jukien. The negotiations involved the sale of a
14 big shipment of Persian opium for distribution in
15 South China. It had been the original intention of
16 the Japanese Army to have the government sell the
17 opium to obtain funds for financing a military cam-
18 paign leading to the annexation of Fukien, but when
19 this scheme failed, it was sold to Yip for 5,000,000
20 yen.^{a.} In 1936, the attache reported that this opium
21 was being dumped in Foochow at the lowest price in
22 twenty years, which prevented the Provincial Govern-
23 ment from carrying out its plan of control. He
24 pointed out that this was connected with the action
25 E-95 b. Ex. 388, T. 4751-6 E-96 a. Ex. 405, T. 48204

to set up a puppet government in Fukien, which was
 1 being supported by the Japanese consuls at Amoy and
 2 Swatow.^{b.} In July 1936, he reported that the Formosan
 3 smugglers and Chinese traitors had organized the
 4 Formosan Trade Union, which was to be under the
 5 direction and supervision of the Japanese consulate
 6 and whose business department was to be devoted sole-
 7 ly to the buying and selling of opium.^{c.} In November
 8 1936, he reported that Japanese drug dens were openly
 9 selling narcotics in Foochow.^d When in July 1937
 10 Yip was arrested and sent to Hankow for trial, the
 11 Japanese consulate attempted to have him released.^{e.}

13 E-97. In each area of China, as the various
 14 areas were successively occupied by Japan, the occu-
 15 pation was shortly followed by tremendous increases
 16 in the production and consumption of opium and other
 17 narcotics. According to the United States Treasury
 18 attache, as soon as Japanese troops arrived from
 19 Manchukuo the cultivation of poppy was introduced
 20 everywhere in Chahar and Suiyuan.^{a.} At first, the
 21 Japanese authorities, acting through the local magis-
 22 trate, encouraged the farmers to grow poppy by prom-
 23 ise to grant -- depending on the acreage grown --

24 E-96. b. Ex. 406, T. 4824-6 e. Ex. 409, T. 4829-30
 25 c. Ex. 410, T. 4831 E-97.
 d. Ex. 406, T. 4824-6 a. Ex. 390, T. 4779

freedom from taxes or military service, a certificate
 1 of honor, or appointment to the position of village
 2 elder and candidate for public office.^{b.} They were
 3 encouraged by pamphlets, the distribution of free
 4 seed and the awarding of easy facilities for trans-
 5 portation.^{c.} When the program of encouragement
 6 failed because of moral objections and low prices,
 7 the authorities in 1940 compelled the peasants to
 8 cultivate poppy on eight mow out of each hundred.^{d.}
 9 Opium distribution cooperatives were to be estab-
 10 lished in each district under the auspices of Japan-
 11 ese firms, and local officials were to buy opium at
 12 fixed prices to push the sale of drugs in North
 13 China.^{e.} In 1940, it was reported that the production
 14 in Chahar and Suiyuan was so huge that it must be
 15 destined for export from the Japanese firms at
 16 Kalgan.^{f.}

18 E-98. The situation in Chahar and Suiyuan
 19 was repeated in Hopei Province. By July 1936, the
 20 United States attache at Shanghai could report that
 21 since the establishment of the demilitarized zone, the
 22 Chinese Government was unable to suppress the traffic
 23

24 E-97.

25 b. Ex. 393, T. 4786-7 e. Ex. 393, T. 4787-8
 c. Ex. 394, T. 4789 f. Ex. 394, T. 4788-90
 d. Ex. 390, T. 4779

and all of Hopei was left to the Japanese, with the
1 result that 5,000,000 of the 27,000,000 farm popula-
2 tion were drug addicts. Companies had been estab-
3 lished in various places to sell drugs imported from
4 Dairen. From Tientsin alone \$300,000 worth of heroin
5 was exported monthly to inland cities.^{a.} In Tsinan
6 the Provincial government found that despite the
7 prohibition against cultivation, the area of culti-
8 vation had increased and, according to foreign
9 travelers, was confined largely to Japanese controlled
10 areas. In May 1940, opium was the only flourishing
11 crop. It was reported that when the puppet governor
12 tried to curb the cultivation, his efforts were halted
13 by the Special Service Section of the Japanese Army,
14 which chose opium smokers as its puppet officials.
15 The same reporter advised that new measures for en-
16 couraging cultivation were being devised. By August,
17 sales were estimated at \$5,000,000 monthly.^{b.} In 1941,
18 the consul at Tsinan reported that the use of heroin
19 by puppet troops was widespread and that its sale was
20 sponsored and profitably engaged in by the Japanese
21 Army.^{c.} In February 1941, an article in the Japanese
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24 E-98.

- 25 a. x. 395, T. 4791-2
b. Ex. 396, T. 4793-5
c. Ex. 397, T. 4796

press at Tsingtao stated that the most prosperous
 1 business was at that time the prepared opium busi-
 2 ness.
 3

4 L-99. Even before the Japanese took over
 5 the cities of Tientsin and Peiping there were drug
 6 smuggling organs in those places operating under the
 7 protection of Japanese troops. The troops brought
 8 to Peiping large quantities of drugs for a large
 9 reward and the organ was located in the Japanese
 10 barracks and run by Japanese and Koreans.^{a.} Opium
 11 became a Japanese monopoly, but heroin was controlled
 12 by two Chinese who operated with and through Japanese
 13 partners. Reports showed that the Japanese consular
 14 police gave protection to Japanese and Koreans in
 15 the trade.^{b.} The statements of Kuo Yu-San and Kung
 16 Hai-Ting, who were managers of dens in Peiping, showed
 17 that during the Japanese occupation there were in
 18 Peiping 247 opium dens, 23,000 registered smokers,
 19 80,000 unregistered and 100,000 casuals, whereas
 20 prior to the Marco Polo Incident no opium was sold
 21 openly. Shortly after Japanese occupation the sale
 22 was legalized under the Board of Opium Suppression.
 23 No Japanese were permitted to smoke opium.^{c.} The

24 E-98.

25 d. Ex. 398, T. 4798

E-99.

a. Ex. 399, T. 4800-1
 b. Ex. 400, T. 4802-4
 c. Ex. 402, T. 4810-3

1 statement of Dr. Loo Kandel showed that opium and
2 heroin were sold openly with the consent of the con-
3 trolled government only to Chinese and that hospitals
4 gave morphine freely to Chinese patients. It was his
5 conclusion that the sale of opium was approved and
6 sponsored by Japan to weaken and undermine Chinese
7 strength. ^{d.} All of this testimony was confirmed by

8 the Summary Chart showing Conditions of Suppression
9 of Opium and Poisonous Drugs by the Municipal Govern-
10 ment of Peiping. The chart also showed that the
11 main source of opium was the Mongolian Border Associ-
12 ation which was controlled by the puppet government
13 of Mongolia and encouraged by Japan to plant opium.
14 Transportation and sale were undertaken by Japanese
15 and Koreans. ^{e.}

16 The witness Lawless, who was Chief of
17 Police in the Diplomatic Quarter in Peiping from July
18 1938 until his arrest by the Japanese in 1944, testi-
19 fied that the situation was bad in that city. After
20 occupation, morphia and opium were sold openly in any
21 amount and were transported in motor cars and Japanese
22 military trucks. As chief of police, Lawless handed
23 over for action all Korean and Japanese offenders to
24 the Japanese consular police, but, aside from promises

25 E-99.

d. Ex. 398, T. 4798

E-99.

e. Ex. 404, T. 4816-18

1 to investigate, nothing was ever done, and the offend-
2 ers would shortly be again engaged in business. f.

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25 E-92. f. T. 2632-92

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1 E-100. In Tientsin, according to Lewless, who
2 was Inspector of Police of the Tientsin British Municip-
3 al Council until July 1938, Koreans, Chinese and
4 Japanese arrested for trafficking in drugs, when ques-
5 tioned, always stated that they had purchased the
6 opium and narcotics in the Japanese concession. After
7 1935, there was a great change in the situation due to
8 the influx of Japanese and Koreans into the British
9 concession, and there was a great increase in the opium
10 and narcotic trade. Narcotic factories were conducted
11 in the British concession by Chinese and Koreans, and
12 their operators, when arrested, invariably fixed as the
13 source of their supply the Japanese concession. After
14 occupation in 1937, there was a noticeable increase in
15 the use of narcotics. As in Peiping, nothing was ever
16 done by the Japanese authorities against Japanese
17 nationals accused as offenders of the narcotic laws.

18 E-101. As Japanese operations moved from
19 North China into Central and South China, the same
20 phenomenon of increasing traffic in drugs in the
21 latter areas became apparent. In Shanghai, according
22 to the report of the American Consul-general in early
23 1937 and the testimony of Gill, a police officer in
24 the International Settlement, there had been a marked
25 (E-100. s. T. 2677-85.)

1 decline in the local traffic following the enactment
2 and enforcement of the new suppression laws in 1936.
3 Smuggling from the interior had stopped, and there was
4 no open sale. It was felt by the neutral observers
5 that when registration was completed, control would be
6 facilitated.^{a.} Even before the Japanese had occupied
7 Shanghai, Inspector Papp, in charge of narcotic sup-
8 pression for the Shanghai Municipal Police, pointed
9 out to the American consul the increased activity
10 among Japanese and the lack of cooperation exhibited
11 by the Japanese consular police. Papp's conclusion
12 was that further progress could be made in improving
13 the narcotic situation, if the traffic of the Japanese
14 subjects could be curtailed.^{b.} According to Gill,
15 with the advent of Japanese occupation the situation
16 deteriorated. In October 1938, there were discussions
17 between puppet officials and the Japanese military
18 for establishing an opium monopoly. From the fall of
19 1938, opium houses were opened and opium sold with a
20 Japanese national being prominent in the sale. With
21 the establishment of the Opium Suppression Bureau,
22 which had its offices in the Japanese settlement, opium
23 selling increased and was conducted more openly, the
24 sellers going to the extent of using outside
25

(E-101. a. Ex. 414, T. 4845-50; T. 4407-9.

b. Ex. 414, T. 4846-50.)

1 advertisements. In May 1939, the Hong Chi-Shanton was
2 formed with full responsibility for distributing opium
3 in Shanghai. Opium was brought in by Japanese ships
4 and unloaded at Japanese wharves which were under the
5 exclusive authority of the Japanese. Again the Jap-
6 anese consular authorities failed completely to co-
7 operate in the punishment of offenders and placed
8 obstacles in the way of enforcement of the law. With
9 Japanese occupation the use of heroin increased.^{c.}

10 E-102. In Nanking, according to Dr. Bates,
11 the use of opium and heroin increased in the summer and
12 autumn of 1938, and in a short time narcotics became
13 a public enterprise outwardly set up by the puppet
14 government and were advertised and openly sold. The
15 system provided for 175 licensed dens and 30 distri-
16 bution stores. Sales totaled from two to three million
17 Chinese dollars per month. There were at least 50,000
18 persons using heroin.^{c.} In Hankow, by 1940, there were
19 340 licensed dens and 120 hotels licensed to supply
20 opium for a population of 400,000.^{b.} In Canton, the
21 traffic also flourished. In September 1939, a monopoly
22 was set up by a Formosan Chinese in cooperation with
23 the Japanese Army Special Service Section and its
24
25 (E-101. c. T. 4409-22.)
(F-102. c. T. 2648-54.
b. T. 2657-3.)

1 revenues went exclusively to the Special Service as a
 2 special fund. There was no regulation or control of
 3 addicts, and narcotics were freely purchasable without
 4 registration. From the latter part of 1939 there was
 5 extensive cultivation of poppies. Traffic was con-
 6 trolled and encouraged by the Japanese Special
 7 Service.^{c.} By 1940, there were 852 registered dens in
 8 addition to more than 300 unregistered ones, all con-
 9 ducting open advertising and sale.^{d.} In Amoy, where
 10 there had been considerable success with the suppres-
 11 sion policy, soon after the Japanese entered in May
 12 1938, there was a noticeable increase in the trade
 13 carried on by Formosans who must have had the approval
 14 of the Japanese Navy. In early 1939, the Amoy Liaison
 15 Office of the China Affairs Board was set up under
 16 the navy, and naval officers were transferred to it
 17 from active duty. This organization sanctioned the use
 18 of opium, and by the fall of 1939 there were fifty
 19 opium dens. The American consul pointed out that the
 20 reason for this was that funds were needed by the
 21 puppet government, and there was no other available
 22 source of revenue.^{e.}

24 E-103. The foregoing survey of the extraordinary

25 (E-102. c. Lx. 413, T. 4837-44.

d. T. 2658.

e. Ex. 412, T. 4834-6.)

and enormous increase in the production, manufacture,
1 sale and use of opium and narcotics coincident with
2 the spread of Japanese military aggression in China
3 brings out clearly two salient facts: first, that
4 Japan both directly and through its puppet governments
5 supervised, directed and controlled the major part
6 of the narcotic traffic; and second, that the traffic
7 was carried on for revenue. In the first instance,
8 the opium traffic was under the direct control of the
9 Japanese Army through its Special Service Section.
10 The witness SATOMI testified that after 1938 he was
11 engaged in work connected with opium in Shanghai under
12 the Special Service department of the China Expedition-
13 ary Army. The Special Service organ ordered him to
14 handle the business all of which was brought to the
15 organ with the proceeds being paid to it. This prac-
16 tice continued for about six months.^{a.} HARADA, Kunakichi,
17 stated in his affidavit that as head of the Special
18 Service Section he received instructions from the
19 military authorities to provide opium by establishing
20 an opium suppression board, and he carried the order
21 out.^{b.} At the end of 1938, the United States Treasury
22 attache at Shanghai reported that the Special Service
23 (E-103. a. T. 4882, 4888-90.
24 b. Lx. 423, T. 4876.)
25

had been sending Persian opium into the International
 Settlement and French concession.^{c.} In March 1919,
 this work was transferred to the China Affairs Board.^{d.}
 However, liaison was kept between that body and the
 headquarters of the Chinese Expeditionary Forces.^{e.}
 SATMI testified that one thousand chests of opium of
 a value of \$20,000,000 were directly handled by Special
 Service and the China Affairs Board, and the profits
 went to these two organs.^{f.} To avoid criticism, it
 was decided to hand over the opium trade administration
 for Central China to the Renovation Government, al-
 though it was found to be difficult to find a director
 since the nominee feared he would be held liable if he
 were unable to raise the required revenue for the
 Japanese.^{g.} This, of course, did not alter the loca-
 tion of actual control which remained with the Japanese.
 While HARADA maintained that the Japanese authorities
 did not order but only advised the Chinese, he also
 stated that the discussion in case of disagreement
 usually ended with the Chinese following the Japanese
 advice.^{h.} In 1939, the American attache reported that
 the real power in the General Opium Amelioration Bureau
 (2-103. c. Ex. 418, T. 4867.
 d. T. 4882.
 e. Ex. 423, T. 4876.
 f. T. 4885.
 g. Ex. 420, T. 4870-1.
 h. Ex. 423, T. 4877.)

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24 E-103. The foregoing survey of the extraordinary

25 (E-102. c. Ex. 413, T. 4837-44.

d. T. 2658.

e. Ex. 412, T. 4834-6.)

and enormous increase in the production, manufacture,
1 sale and use of opium and narcotics coincident with
2 the spread of Japanese military aggression in China
3 brings out clearly two salient facts: first, that
4 Japan both directly and through its puppet governments
5 supervised, directed and controlled the major part
6 of the narcotic traffic; and second, that the traffic
7 was carried on for revenue. In the first instance,
8 the opium traffic was under the direct control of the
9 Japanese Army through its Special Service Section.
10 The witness SATOMI testified that after 1938 he was
11 engaged in work connected with opium in Shanghai under
12 the Special Service department of the China Expedition-
13 ary Army. The Special Service organ ordered him to
14 handle the business all of which was brought to the
15 organ with the proceeds being paid to it. This prac-
16 tice continued for about six months. ^{c.} HARADA, Kunakichi,
17 stated in his affidavit that as head of the Special
18 Service Section he received instructions from the
19 military authorities to provide opium by establishing
20 an opium suppression board, and he carried the order
21 out. ^{b.} At the end of 1938, the United States Treasury
22 attache at Shanghai reported that the Special Service
23 (E-103. a. T. 4882, 4888-90.
24 b. Ex. 423, T. 4876.)
25

had been sending Persian opium into the International
Settlement and French concession.^{c.} In March 1939,

this work was transferred to the China Affairs Board.^{d.}

However, liaison was kept between that body and the
headquarters of the Chinese Expeditionary Forces.^{e.}

SATOMI testified that one thousand chests of opium of
a value of \$20,000,000 were directly handled by Special
Service and the China Affairs Board, and the profits
went to these two organs.^{f.} To avoid criticism, it

was decided to hand over the opium trade administration
for Central China to the Renovation Government, al-

though it was found to be difficult to find a director
since the nominee feared he would be held liable if he
were unable to raise the required revenue for the

Japanese.^{g.} This, of course, did not alter the loca-
tion of actual control which remained with the Japanese.

While HARADA maintained that the Japanese authorities
did not order but only advised the Chinese, he also

stated that the discussion in case of disagreement
usually ended with the Chinese following the Japanese
advice.^{h.}

In 1939, the American attache reported that
the real power in the General Opium Amelioration Bureau

(L-103. c. Ex. 418, T. 4867.

d. T. 4882.

e. Ex. 423, T. 4876.

f. T. 4885.

g. Ex. 420, T. 4870-1.

h. Ex. 423, T. 4877.)

of the Renovation Government was in the hands of the Japanese co-director.^{1.} To eliminate criticism in the Renovation area, the opium trade, it was decided, should be governed by a network of charitable organizations with a Chinese chairman, a Japanese vice-chairman and personnel selected by the Japanese authorities.^{j.}

I-104. That the main purpose of the traffic was to increase revenues was admitted by the Japanese. In the summer of 1939, Dr. Bates was told by HAGA, the opium expert of the Japanese Foreign Office, that he was distressed by the terrible addiction seen in Hankow and other cities, but he had been told by the generals that so long as the war continued there was no hope for improvement, as there was no other source of revenue for the puppet government.^{c.} In a report by Bates to Japanese officials, which was subsequently published and which the Japanese were given an opportunity to have corrected, he wrote that the three million dollars from opium was the main support of the Renovation Government and was held by both Japanese and Chinese to be indispensable for maintaining any government in the area.

^{b.} at the time. In February 1939, the United States Treasury attache in Shanghai reported that the Japanese

(E-103. 1. Ex. 424, T. 4879.
j. Ex. 422, T. 4874-5.)
(E-104. a. T. 2654-5.
b. T. 2655-6.)

1 military expected to raise an annual revenue of
2 \$300,000,000 from the narcotization policy in China.^{c.}
3 So important were these revenues that, according to the
4 attache, the interruption in the closing months of 1939
5 of preparations for the new central government was due
6 to a difference of opinion between the Japanese and
7 Wang Ching-Wei regarding the control by the Japanese
8 of the gambling houses and opium business involving
9 revenues of \$5,000,000 per month of which the opium
10 revenue was the largest item. The result was a con-
11 promise in which the Japanese held directly the business
12 of opium supply.^{d.}

13 E-105. The best evidence of Japan's actual
14 control of the narcotics traffic is the fact that when
15 it agreed to actually and honestly suppress the traffic,
16 it was suppressed. In December, 1943, after Wang had
17 sufficient revenue to cover all expenses, students in
18 Nanking and other cities demonstrated against opium and
19 smashed opium shops and dens, and Japan sent an advisor
20 to Nanking to negotiate and promised to help the Wang
21 government restore China's prewar opium suppression
22 measures on condition that it consider that opium was
23 the chief revenue of the Mongolian Government. The
24 Japanese authorities agreed that beginning April 1944
25

(E-104. c. Ex. 421, T. 4872.
d. Ex. 427, T. 4897-8.)

the planting of poppy in Mongolia should be first
1 reduced and then prohibited, that imports from Mongolia
2 would be reduced by one-half, that prewar rules would
3 be observed and that Japan would help China to stop
4 smuggling. As a result, by December 1944 all narcotic
5 producing organs in Shanghai and Nanking had vanished,
6 average monthly imports had been reduced by over 60 per
7 cent, the increase of smuggling had been checked, hos-
8 pitals had been established, opium addicts had been
9 registered and all dens had been closed.

10
11 E-106. The pattern of aggression and domin-
12 ation carried out in Manchuria was followed in close
13 detail in the aggression and domination of China. How-
14 ever, before China could be completely vanquished and
15 brought into her chosen place in Japan's new order, the
16 conspirators had embarked on the third phase of their
17 conspiratorial plan, a step which was to bring the
18 entire conspiracy to ultimate failure.

19 Now, Mr. President, Brigadier Nolan will
20 continue for the prosecution.

21
22
23
24
25 (E-105. a. Ex. 429, T. 4912-9.)

THE PRESIDENT: Brigadier Nolan.

BRIGADIER NOLAN: May it please the Tribunal:

PART III OF THE CONSPIRACY

INTERNAL AND EXTERNAL PREPARATION FOR AGGRESSIVE WAR
IN ASIA AND IN THE PACIFIC.

F-1. As pointed out before, on August 7, 1936, the Five Ministers' Conference of the HIROTA Cabinet had adopted, as Japan's basic principle of national policy, the ultimate objective of the conspiracy. They had defined that national policy as securing the position of Japan on the Asiatic Continent by diplomacy and "national defense," as well as advancing and developing Japan toward the south seas. The policy adopted expressly contemplated carrying out national defense and military preparations necessary to secure the achievement of the aims of the fundamental policy. National defense was to be intensified to eradicate the Soviet menace and at the same time to prepare against Britain and America.^a While the policy statement used the term "national defense" throughout, it is completely clear from the context of the document that the term was used as a substitute for the more honest - but more meaningful - word "war." "National defense" is not the usual correlative to (F-1. a. Ex. 216, T. 2727-8.)

1 diplomacy as an alternate method of obtaining de-
2 mands or of settling differences in international
3 affairs. The usual alternatives are diplomacy and war.
4 If it was intended that the term "national defense"
5 should have its ordinary and natural meaning, such use
6 in the present connection does not make good sense.
7 Regardless of what other connotation the expression
8 may include, it does not include fighting to establish
9 or advance oneself permanently in the territory of
10 another, and it does not include fighting with third
11 powers who may be obstacles to that permanent estab-
12 lishment or advance. The term "national defense"
13 as used in this document was only another of the many
14 euphemisms which the conspirators used to beguile the
15 people of their own nation and others, and sometimes
16 even themselves, to hide the real aggressive purposes
17 of their plans. The plan thus clearly contemplated
18 war as a definitely possible method of operation, and
19 it provided for preparing for such a war. Pursuant to
20 the policy defined, the conspirators entered into a
21 program of preparing Japan for war in every possible
22 way. The nation was prepared for and geared to war
23 economically, militarily, and psychologically, and al-
24 liances were concluded for the assistance of allies in
25 the event of war.

1 FOR WAR.
2 1. ECONOMIC PREPARATION FOR WAR
3 a. ECONOMIC PLANNING
4 F-2. Within a period of less than a year
5 from the decision of August 7, 1936, and before the
6 beginning of hostilities in China, plans had already
7 been developed for the economic mobilization of Japan
8 for war. On May 29, 1937, the War Ministry approved
9 a. a Five Year Program of Important Industries. This
10 plan, according to defense witness OKADA, was submitted
11 b. to the Cabinet for approval. The object of the plan
12 was to promote systematically the activities of impor-
13 tant industries by 1941, so that if anything happened,
14 Japan could be self-sufficient in important materials,
15 thereby insuring Japan's actual leadership in East Asia.
16 The program was from 1937 to 1941, a period which was
17 to be adjustable according to demand for various mater-
18 ials. Its purpose was to select the classes and goals
19 of important industries for national defense and to
20 control their production. While Japan was the subject
21 of the plan, requisite industries were to be pushed
22 to the continent with Japan and Manchuria as a single
23 sphere for national defense, and Japan was to take the
24 (F-2. a. Ex. 842, T. 8264
25 b. T. 18309.)

initiative in the economic exploitation of North China
1 to secure its natural resources. Measures were to be
2 taken to control the circulation of money, finance,
3 prices, trade, foreign accounts, transportation, labor,
4 distribution, and non-essential production and consump-
5 tion. Important industries were to be coordinated
6 and rationalized. Munitions, aircraft, automobile,
7 engineering machinery, iron and steel, liquid fuel,
8 coal, general machinery, aluminum, magnesium, ship-
9 building, electric power and railway car industries
10 were designated as priority industries. Munitions and
11 aircraft were to be handled under the separate plan of
12 the army, but funds, machinery, materials, labor, fuel
13 and power were to be dealt with parallel to the gen-
14 eral promotion of important industries and were included
15 in the plan.^{c.}
16

17 F-3. Plan II, entitled the Resume of Policy
18 Relating to Execution of Summary of Five Year Program
19 of Important Industries was another plan submitted
20 by the War Ministry on June 10, 1937, before the con-
21 flict with China. It dealt with the materials required
22 by Plan I.^{a.} This plan aimed at the repletion and
23 strengthening of the power of Japan, which was the
24 stabilizing power in East Asia, and at the establishment
25 (F-2. c. Ex. 842, T. 8264-8)
(F-3. a. Ex. 842, T. 8269)

1 of a comprehensive productive power expansion plan for
2 Japan, Manchukuo and China. The year 1941 was fixed
3 as the time when the plan would achieve the necessary
4 goal for important national defense and basic indus-
5 tries, in order to be prepared for the epochal devel-
6 opment of Japan's destiny which would be attained in
7 spite of all difficulties.^{b.} According to OKADA, this
8 plan was only tentative and was not submitted to the
9 Cabinet, but he admitted that it was circulated among
10 the various departments.^{c.} While OKADA attempted to
11 leave the impression that this plan was not seen by
12 the Cabinet members, Exhibit 2227 shows that on the
13 13th of July, 1937, a copy of this plan had been sent
14 as a "top secret" report by the War Ministry to the
15 accused HIROTA, then Foreign Minister, with a note to
16 the effect that each ministry was to make a draft of a
17 plan which on completion was to be submitted to the
18 Cabinet Planning Board for execution.^{d.}

19 F-4. If there could be any doubt that the
20 two previous plans were aimed at mobilizing Japan for
21 war, it was dispelled by Plan III, entitled Outline
22 of the Five Year Plan for the Production of War Mater-
23 ials, formulated by the War Ministry as a military
24 (F-3. b. Ex. 842, T. 8269-70
25 c. T. 18310-2
d. Ex. 2227, T. 15981-2)

secret plan on June 23, 1937, prior to the hostilities
1 with China. The plan had as its primary objects the
2 perfection of war preparations and the realization of
3 the Five Year Plan for Major Industries (Plans I and II).
4 Its purpose was to unify army policies within the
5 sphere of military administration with respect to the
6 expansion, cultivation and control of munition indus-
7 tries, to insure perfection in the wartime supply of
8 principal war materials. The plan specifically noted
9 that the term "munitions industry" applied not only
10 to those industries engaged in manufacturing or repair-
11 ing finished goods for war purposes, but that the term
12 also applied to vital raw material industries. The
13 plan also clarified policies toward industries to be
14 converted in time of war. The important factors of
15 funds, raw materials, fuel, machinery, labor, tech-
16 nique and transportation were to be merged in the Five
17 Year Plan for Major Industries.^{a.} The purposes of the
18 plan were to be accomplished by the end of the 1941
19 fiscal year, and the year 1942 and subsequent years
20 were designated as a period requiring war-time
21 capacity.^{b.}
22

23 F-5. The basic plan submitted by the War
24 Ministry in June 1937, to the various ministries was
25

(F-4. a. Ex. 841, T. 8260-3
b. Ex. 841, p. 3 ff)

ultimately embodied in Plan IV, the Outline of the Plan for the Expansion of Productive Power, prepared by the Cabinet Planning Board and approved by the Cabinet in January 1939. The preamble outlining the object and policy was in practically the same terms as that in Plan II,^a although the plans differed somewhat in detail.

F-6. These plans, it is respectfully submitted, were in no sense peaceful plans but were definite programs to prepare Japan and to mobilize the nation economically for aggressive war. When we consider the aggressive conduct of Japan prior to the formulation of the basic plans in June 1937, including the decision of August 7, 1936 to expand by diplomacy or war, and when we consider the aggressive action of Japan between June 1937 and January 1939 and her planning and waging of aggressive warfare after January 1939, only complete blindness could permit us to say that these plans had no connection with Japan's aggression. Even without considering these factors, which are in fact inseparable from the plans, the plans themselves leave no doubt as to their aggressive character. Whatever argument might have been made that the Major Industries Program, if considered in isolation,

(F-5. a. Ex. 842, T. 8271-2
T. 18309-10)

1 was a peacetime plan, the argument is not tenable
2 here because the plans themselves do not permit the
3 consideration of any one of them isolated from the
4 others. Plan I made definite references to Plan III
5 which was concerned with the perfection of war mater-
6 ials, and Plan III inextricably incorporated Plans I
7 and II by making their completion one of its major
8 objectives. Furthermore, Plan II, a necessary sub-
9 sidiary plan of Plan I, made clear that the War Minis-
10 try was "preparing for the epochal development of
11 our country's destiny in the future; to be attained
12 in spite of all difficulties." The language there used
13 could hardly be called the language of peace or of a
14 program of self-defense. A plan which provides for the
15 mobilization of a nation's industry to prepare for the
16 epochal development of that nation's destiny against
17 all difficulties and a plan which defines that destiny -
18 as has already in part been shown and as will be further
19 shown hereafter - as the rulership of Asia, is clearly
20 a plan to mobilize that nation's economy in preparation
21 for aggressive warfare, and is in itself evidence of
22 planning and preparing for aggressive warfare.
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1 F-7. If the plans were defensive as alleged
2 by the accused, it is pertinent to ask against what
3 nation was it thought necessary to execute defense
4 preparations which even a casual reading of the plans
5 shows were extensive and urgent. The basic plans
6 were prepared before the hostilities with China broke
7 out and were circulated for further preparation before
8 it became apparent that the hostilities at Marco Polo
9 would not be localized. It was, therefore, not con-
10 nected immediately with the outbreak of the China
11 hostilities in mid-1937. In fact, the witness OKADA
12 stated expressly that Plan III did not take into
13 account the outbreak of the China Incident.^a The
14 occurrence of that event and its enlargement into
15 full-scale war were too early in time to be encompassed
16 by the plan. OKADA, however, did state that the plan
17 was prompted by fear of Russia and to support this he
18 gave particulars of Soviet industrial development
19 during the period of the Soviet industrial plans.^b
20 He did not attempt in any way to explain why Japan
21 thought that the Soviet industrial development indi-
22 cated an intention to attack Japan. It is noteworthy
23 that the witness did not suggest that Japan feared
24 attack from any country other than the Soviet Union.
25 (F-7. a. T. 18275-9. b. T. 18273-4.)

1 It is still more noteworthy that when the time came to
2 attack, Japan did not attack the Soviet, but continued
3 her aggression in China and attacked Britain and the
4 United States, the two major obstacles to the fulfill-
5 ment of her objectives in China and the South Seas.

6 F-8. The explanations made by defense witness
7 OKADA and the criticisms levelled by him against a
8 construction of these plans as instruments in the policy
9 of aggression do not serve in any manner to lessen
10 their aggressive character, but, on the contrary, point
11 up their basic aggressiveness. In the first place,
12 he points out that Plan III was not used. His explana-
13 tion, however, was that the outbreak of the incident
14 necessitated much bigger plans for increasing production,
15 especially in munitions. He also states that Plans I
16 and II had to be changed in order to give the military
17 as much as possible for military consumption.^{a.} It is
18 impossible to see how this line of testimony establishes
19 the non-aggressive nature of the plans. All it
20 accomplishes is to point out the obvious fact that
21 plans which contemplated the preparation of Japan's
22 economy for war over a period of five years had to be
23 enlarged and altered to meet the exigencies of a mili-
24 tary situation which had developed before the
25 (F-8. a. T. 18279.)

1 expiration of the five-year period -- much earlier
2 than planned or expected. The second criticism is
3 that the final plan was not adopted until January 1939,
4 and that it differed in some material respects from
5 the earlier ones, particularly in the fact that it was
6 a four-year and not a five-year plan.^{b.} However, the
7 final plan did not differ in object and purpose from
8 the earlier plans. The so-called differences in the
9 plans actually show the basic unity of them all. While
10 no doubt due to the exigencies of the situation because
11 of the China hostilities, the cabinet did not decide
12 the final plan until January 1939, the period of time
13 for its execution was reduced from five to four years,
14 thus keeping within the period of completion fixed
15 by the earlier plans of 1937. Moreover, the delay in
16 final determination did not mean any delay in carrying
17 out the plans, since, according to OKADA himself, for
18 the year 1938 the plan was started as an annual plan
19 limited only to that year.^{c.} In substance, therefore,
20 the program ultimately adopted was the original plan
21 submitted by the War Ministry with such changes as were
22 brought about through the suggestions of the other
23 ministries to which it had been submitted and through
24 the immediate demands occasioned by the China
25 (F-8. b. T. 18279; 18310. c. T. 18318.)

1 hostilities. The third matter raised in defense was
2 that the goals of the plans were not met. It is quite
3 impossible to see how the fact that the objectives of
4 a plan fail to be achieved can change a warlike plan
5 into a peaceful one. One might just as well argue
6 that the failure of Japan's whole aggressive program
7 made that program one of peace, a view which everyone
8 must agree is outright nonsense. It is not at all
9 unusual that the anticipated results of a plan should
10 far exceed its subsequently realized results. Whether
11 or not Japan fully succeeded is unimportant, since,
12 pursuant to the plans, economic mobilization for
13 aggressive war was carried out on a large scale.

14 B. Expansion of the War Industries.

15 F-9. An examination of the development of
16 the basic major industries, all of which are essential
17 in carrying on modern warfare, discloses the great
18 extent to which Japan geared her entire economy to
19 prepare for war. For the electric power industry, the
20 Board of Planning aimed to increase hydro-plant
21 production about 50 per cent or 2,693,700 kw., and coal
22 plant production about 35 per cent or 1,000,000 kw.
23 in four years.^{a.} The first step toward organizing the
24 industry on a completely totalitarian basis took
25 (F-9. a. Ex. 840, T. 8273; Ex. 842.)

1 place in March 1938 with the enactment of the Electric
2 Power Control Law, pursuant to which a national policy
3 company, "The Japan Electric Generation and Transmission
4 Company," was formed, including among its objectives
5 the increase of Japan's electric power resources and
6 their development to meet military requirements. The
7 company, directed by the government and granted special
8 privileges, took over by 1941 all hydro-electric power
9 and transmission facilities. On August 29, 1941,
10 control was extended to the distribution of electricity
11 with the enactment of the Electric Distribution Control
12 Law under which several special companies were set up
13 to allocate the use of electric power to prevent its
14 use for non-essential purposes. Other special com-
15 panies in Manchuria, Formosa and China were set up to
16 control electric power in these regions. b.

17 F-10. These facts testified to by prosecution
18 witness Liebert have been in no way challenged by the
19 defense. In fact, defense counsel admitted that
20 Liebert's facts and statistics were "mostly" correct.
21 However, defense witness OWADA, who introduced no new
22 facts, attempted to show that Liebert's conclusion a.
23 that this control was related to war was erroneous.
24

25 (F-9. b. Ex. 840, T. 8272-81.
F-10. a. T. 18243-67.)

1 Yet, in his statement he failed to challenge certain
2 facts which made Liebert's conclusion inevitable. The
3 prosecution evidence, oral and graphic, showed that
4 the large increase in production was consumed by war
5 and war-supporting industries, but there was practically
6 no change in consumption by civilian industries,
7 utilities or domestic users.^{b.} It also showed that
8 some of the regulations under the Distribution Law
9 actually curtailed the civilian use of electricity
10 despite increased production.^{c.} In view of the measures
11 adopted, the degree of control, the great increase in
12 production in accordance with the plan and the use
13 made of it, the real object was clearly to obtain the
14 power necessary for war and not to benefit the normal
15 economy or for legitimate defense measures.
16

17 (F-10. b. Ex. 840, T. 8281; Ex. 843, T. 8281.
18 c. T. 8587.)
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F-11. For the petroleum industry, the Planning Board Plan provided for large increases in gasoline for aircraft, in artificial gasoline for motor cars and in both natural and artificial heavy oil production of 630 per cent, 2900 per cent,^{a.} 38 per cent, and 900 per cent respectively. Since, as Liebert pointed out, Japan's natural indigenous production of oil, a commodity vital to modern warfare, was negligible, it had to be made up by storage, stimulation of indigenous production, production of synthetic petroleum and restriction of civilian and nonessential use. Measures were adopted in each of these categories. The Petroleum Control Law of 1934 compelled the maintenance of reserve stocks, and the Petroleum Industry Law of 1935 instituted a licensing system for refining and importing which made possible government control of price and imports. The latter law required additional storage, and all companies had to sell on government demand. The Petroleum Distribution Company was formed to control distribution. Refineries were increased, and by 1941 their capacity was quadrupled. The tanker fleet was augmented, and pressure was placed on The Netherlands in 1940. To stimulate

F-11, a. Ex. 840, P. 8288.

indigenous production, the Oil Resources Exploitation Law was passed in 1938, providing for government supervision and subsidies of millions of yen, and all efforts were made to develop oil interests in North Sakhalin. In March 1941, under the Imperial Oil Company, a special national policy company was set up to develop oil fields and control the sale of all oil and products. In the field of synthetic petroleum, a national company was established, and under the Syntehtic Oil Industry Law the industry was granted tax exemptions, subsidies and government control and guidance. There was a net increase from 1939 to 1941 of 1,500,000 barrels annually. After March 1938, a rationing system was in effect curtailing civilian, utility and ordinary government use. As a result, the increased stockpile of oil on hand from 1937 on showed that there was tremendous preparation of reserve oil for some purpose or other.

F-12. Again, no attempt was made by the defense to disprove the facts shown by Liebert. YOSHINO carefully avoided challenging any part of Liebert's evidence on the facts but disagreed with his opinion as to the object of the activity. He professed ignorance of all the basic plans and F-11. b. Ex. 840, T. 8282-94. c. Ex.844, T. 8287.

1 admitted that he had not studied them. These facts
2 alone make his testimony utterly worthless. While
3 testifying at some length on petroleum,^{a.} he made no
4 attempt to explain the need for civilian rationing
5 in 1938 and the extraordinary economic measures taken
6 to build up stocks. Defense witness OKADA testified^{b.}
7 at length on storage and the synthetic oil industry,
8 but his testimony showed that war preparations were
9 being carried out after 1937. His only point seems
10 to be that Japan's efforts were not as successful as
11 hoped.

12 F-13. The Planning Board Plan provided for
13 an increase in coal production from 1938 to 1941 of
14 20,000,000 tons.^{a.} Despite the fact that Japan --
15 normally a substantial coal exporter except for coking
16 coal -- had a plentiful supply, steps were taken to
17 increase and to regulate its use for production. By
18 the control of sales under the Coal Sales Control
19 Regulations of 1939, which permitted large sales only
20 to named distributors carrying out government policy,
21 specialized production was brought about. The usual
22 national policy company was established in 1940
23 ensuring an absolute monopoly and complete control

24
25 F-12. a. Ex. 2368, T. 18213-7.
b. Ex. 2767, T. 24855-64.
E-13. a. Ex. 840, T. 8297.

over the industry. Enormous subsidies were paid.

In 1941 nearly 20,000,000 yen were paid as subsidies to increase production and 95,000,000 yen for adjusting coal prices. b. The only object of this control

and increase must necessarily have been the assistance of war industries. A normal economy did not require or justify them, and the measures were not reasonable from the point of view of self-defense.

F-14. The chemical industry, which plays an important part in the manufacture of explosives and the processing and manufacture of war materials, was tremendously expanded in the years immediately prior to 1941. Since there was no problem in many cases of obtaining raw materials, as they are usually by-products of other industries, only an expansion of facilities was needed to enable production to be increased. From Liebert's unchallenged statistics, for the production of such important products as ethyl alcohol, butanol, glycerine, acetone, nitric acid, dyes, plastics and coke and coke-over products, it is clear that in each of them there was a tremendous increase from and after 1937 far in excess of the needs of a peacetime economy or the requirements of self-defense. To bring about self-sufficiency in

F-13. b. Ex. 840, T. 8296-8300.

1 chemicals the usual methods were employed. In
2 addition to subsidies, the Synthetic Chemical Industry
3 Law of 1940 provided for restricting competition,
4 for licensing, and for government control and domina-
5 tion of production and product.^{a.} Plan III provided
6 that chemical works were expected to be converted
7 to supply war materials of many kinds.^{b.} YOSHINO,
8 a defense witness, pointed out that from its estab-
9 lishment it had been a foregone conclusion that the
10 dyes industry could be turned into an arsenal of
11 chemical arms in case of war.^{c.} These facts were
12 again not challenged and no explanation given to
13 justify the enormous expansion by drastic, uneco-
14 nomical methods.

15 THE PRESIDENT: Brigadier Nolan, we will
16 recess for fifteen minutes.

17 (Whereupon, at 1045, a recess was
18 taken until 1100, after which the proceedings
19 were resumed as follows:)
20

21 F-14. a. Ex. 840, T. 8300-18.
22 b. Ex. 840, T. 8317; Ex. 841, p. 18.
23 c. T. 18208-10.
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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Captain Kraft.

3 LANGUAGE ARBITER (Captain Kraft): If the Tri-
4 bunal please, the following language correction is sub-
5 mitted: Exhibit No. 3592, page 5, lines 18-21, and
6 record page 35,007, lines 19-23, delete that part be-
7 ginning with "He contributed..." and ending with "...his
8 own accord" and substitute "Such contributions of articles
9 to magazines and delivery of lectures by SHIRATORI were
10 made always only upon the basis of his being urged most
11 earnestly by the people requesting them, and, therefore,
12 I have never seen even one instance where he did so
13 voluntarily."
14

15 THE PRESIDENT: Thank you.

16 Brigadier Nolan.

17 BRIGADIER NOLAN: May it please the Tribunal:

18 F-15. For shipbuilding, the plan of the Planning
19 Board contemplated an increase of about one-third between
20 1938 and 1941. An expansion program supported by sub-
21 sidies had already been adopted in 1932, and other pro-
22 grams had been adopted in 1935, 1936 and 1937. In April,
23 1939, more drastic methods were employed. The Ship-
24 building Industry Law was enacted, and in addition to sub-
25 sidies and loss indemnification, a system of controls,

1 licensing and other methods were instituted and rigidly
2 enforced.^{a.} While there has been no challenge of the
3 facts presented, the defense denies that any portion of
4 the increase in shipbuilding from 402,000 tons in 1938
5 to 605,000 tons in 1941 was for war purposes. In fact,
6 the defense has totally misconceived the prosecution's
7 position in the premises. Neither the prosecution, nor
8 its witness Liebert, has contended that all the increase
9 in shipbuilding was for purposes of warfare. It fully
10 realizes that shipping is an essential of the economic
11 life of Japan, an island nation. It does contend, how-
12 ever, that the increase of one-third after 1937, provided
13 for as a component element of an over-all plan definitely
14 designed to prepare Japan economically for war, had as
15 its object, in part at least, preparation for aggressive
16 warfare.

17 F-16. For the iron and steel industry, the
18 Planning Board provided for increases averaging 100 per
19 cent for all kinds of iron and steel. This industry had
20 been subsidized for many years to make up for Japan's
21 deficiency. The government took a leading part in the
22 industry after April, 1933, with the establishment of the
23 Japan Iron Manufacturing Company, which was government
24 controlled, directed and financed and which became the
25 (F-15. a. Ex. 840, T. 8318-22.)

largest producer in the industry. In August, 1937, after the formulation of the War Office plans, special measures were taken. The Iron Manufacturing Industrial Law was enacted to develop the industry and strengthen national defense. Under this law stricter government control was effected, special privileges granted and uneconomic measures taken. Special subsidies were paid after September, 1937, and artificial stimulation was given to indigenous production under the 1938 act to promote production of important materials. There were enormous imports of ore, pig iron and scrap. Large quantities of scrap were collected by a special government-directed control company. Drastic measures were taken to "channel" iron into selected industries. The result, while uneconomic, was a tremendous increase in products such as ships, cars, tanks and other war materials requiring iron as an essential component.^{a.} Again, the defense did not challenge any of Liebert's facts and figures. The witness YOSHINO^{b.} did not discuss this industry after 1930, and ADACHI^{c.} testified without referring to any of the plans. The testimony of both is therefore valueless on this issue before the Tribunal. ADACHI's testimony, in fact, confirms that of Liebert on the effect of the

(F-16. a. Ex. 840, T. 8322-36.
b. T. 18211-3.
c. Ex. 2775, T. 24980-94.)

1 measures adopted to increase production for war purposes,

2 F-17. The Cabinet plan provided for a produc-
3 tion expansion of light and non-ferrous metals over the
4 four year period as follows: aluminum 667 per cent,
5 magnesium 979 per cent, copper 80 per cent, lead 90 per
6 cent, zinc 70 per cent, nickel 3300 per cent and tin 100
7 per cent. All these metals, especially aluminum, were
8 essential as war materials. While the planned increase
9 was not realized in any instance, substantial increases
10 were effected both in indigenous production and by way of
11 imports at great expense and by unscientific methods.
12 Plan III showed that the purpose of the peacetime produc-
13 tion of light metal alloys was for conversion to wartime
14 production of aircraft and parts. Under the Light Metal
15 Manufacturing Law of 1938, which had as its object the
16 adjustment of national defense, government licensing was
17 instituted and subsidies and other privileges granted.^{a.}

19 F-18. The machine-tool industry also played a
20 large part in the Japanese preparation for war. The
21 government plan required expansion of this industry with a
22 view to self-sufficiency. Plan III provided for the en-
23 couragement of this industry so that it could be converted
24 to manufacturing war materials. This required an instal-
25 lation capacity increase of two to three times by the end

(F-16. d. Ex. 2775, T. 24993.

F-17. a. Ex. 840, T. 8336-50.)

1 of 1941. Plan IV provided for increased production from
2 76 million yen in 1938 to 200 million yen in 1941. In
3 addition, Japan continued to import enormous quantities
4 of machine tools. Between 1937 and 1940, the Japanese
5 Army arsenals alone purchased from the United States
6 \$22,500,000 of machine tools, more than any Japanese
7 industrial company purchased. Control was secured by
8 the enactment of the Machine Tool Industry Law in 1938,
9 and there were the usual subsidies and privileges. The
10 result was enormous expansion of native production and
11 increased imports.^{a.} The same expansion was seen in the
12 precision bearing industry.^{b.}

13 F-19. Prior to 1936, the motor vehicle industry
14 in Japan was practically non-existent, and the develop-
15 ment of such an industry in Japan was economically un-
16 sound. However, for modern war planning such industry is
17 indispensable for providing military transportation. The
18 Automobile Industry Control Law was enacted in May, 1936,
19 to establish the necessary enterprise to adjust national
20 defense. In return for a large government subsidy of
21 almost 50 per cent on each vehicle and protective legis-
22 lation against imports, the government had control of
23 manufacturing, planning, designing, operation, sales and
24 prices. Despite the proved uneconomic character of the
25

(F-18. a. Ex. 840, T. 8350-5.
b. Ex. 840, T. 8357.)

1 industry, the plans of the military called for extensive
2 expansion. Plan IV provided for an increase from 15,700
3 units in 1938 to 80,000 by the end of 1941. Plan III
4 placed emphasis on the production of tanks, military
5 vehicles and ordinary automobiles, and it was proposed to
6 use the expansion of the automobile industry to convert
7 to tanks. The plan contained appendices showing conver-
8 sion from peacetime to wartime. Tank production was to
9 be more than doubled. In both Japan and Manchuria, pro-
10 duction was to be developed to make possible mass produc-
11 tion in time of war.^a Likewise, rail transportation
12 equipment was to be increased. The plans called for
13 large increases in the production of locomotives, rail
14 cars and freight cars. Plan III provided for converting
15 the vehicle industry to the manufacture of army loco-
16 motives and provided that Manchuria was to furnish 130
17 freight cars per month for military use.^b In view of
18 the well-developed and adequate railway system in Japan,
19 this planning and increase clearly evidenced planning for
20 war purposes.

21 F-20. Top priority was given by the various
22 plans to the expansion of the aircraft industry, which
23 plays a vital role in modern warfare, in order to create
24 an invincible air force. In Manchuria, the industry was
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(F-19. a. Ex. 840, T. 8357-69.

b. Ex. 840, T. 8369-70.)

1 to be developed to make mass production possible in time
2 of war. In 1938, capacity installation was to be doubled
3 and by 1939 at least tripled, so as to achieve a peace-
4 time production of 10,000 planes. From a wartime capacity
5 in 1936 of 700 army planes and 700 navy planes, by 1942 --
6 described as the first wartime year -- the capacity was
7 to be increased to 4,000 planes for the army, 6,000 to
8 meet emergencies and 3,000 for the navy. It was also
9 planned that even if peacetime actual demand were 3,000
10 planes, by the eighth month of the first year of war this
11 capacity would equal 20,000 planes annually. Total pro-
12 duction for the first year of the war would reach 13,000
13 and for the second year 30,000. This increase was to be
14 provided by converting the facilities of the other indus-
15 tries already discussed. While in fact the planned
16 capacity was not attained, the undisputed statistics show
17 that from 1935 to 1941, army aircraft bodies increased
18 from 349 to 3,787, navy aircraft bodies from 408 to 2,080
19 and total military aircraft engines from 584 to 11,654.
20 These figures do not include civilian aircraft production
21 or the development of aircraft production potential which
22 could be realized from conversion of other expanded in-
23 dustries as planned. To carry out the program, the Air-
24 craft Manufacturing Law of March, 1938, insured the usual
25 government control and licensing and provided for the

a.
usual aids by way of subsidy and other privileges.

1 Again, there was no attempt by the defense to challenge
2 Liebert's evidence but only an attempt to minimize the
3 importance of the expansion. However, it is submitted
4 that it is incredible that the grandiose production
5 expansion plans, the actual production increase, and the
6 great increase in production potential were intended
7 merely as measures of defense.
8

9 C. MOBILIZATION OF JAPAN'S ECONOMY FOR WAR

10 F-21. The surveys of the basic war industries,
11 in addition to showing the planning for expansion and its
12 results, have also shown the methods used to stimulate
13 the expansion and how in these industries government
14 control, direction, financial aid, import restriction,
15 subsidies and other aids were all employed for that pur-
16 pose. These activities, however, were not limited to the
17 specific industries mentioned but were extended to cover
18 all industry.

19 F-22. The basic device used was the national-
20 ization of industry. Nationalization had begun some years
21 prior to 1937, but from 1936 there was marked development
22 and acceleration. In 1936, an amendment to the Major
23 Industries Control Law of 1931 enforced the cartelization
24 of major industries under direct government supervision.
25 It effected mergers of plants and equipment and threw

(F-20. a. Ex. 840, T. 8371-81.)

control into the hands of the large groups, forcing the
 1 smaller industries to unite into guilds so as to be able
 2 to compete.^{a.} This existing movement received a strong
 3 impetus from the plans of 1937. The plans provided for
 4 measures of a universal or general character to stimulate
 5 industrial development and expansion, going to the extent
 6 of defining labor union policy and providing controls
 7 over industrial partnerships, mergers and corporations.^{b.}
 8 In May, 1938, the National General Mobilization Law was
 9 enacted.^{c.} In view of the fact that the powers and con-
 10 trols contained in the law were emphasized in the plans of
 11 1937 and that the 1939 plan approved by the Cabinet in-
 12 cludes this law specifically as one of the devices for
 13 executing the plan, the inference is irresistible that
 14 the law was enacted pursuant to the plans.
 15

16 F-23. This Mobilization Law was the basis for
 17 the complete mobilization of economic facilities for war
 18 purposes, and by its adoption Japan became a totalitarian
 19 state and demonstrated that she had finally, completely
 20 committed herself to a policy of aggression and expansion.
 21 The law itself and the explanation by the Army of the
 22 measure showed that it aimed at nothing less than the
 23

24 (F-22. a. Ex. 840, T. 8391-2.
 25 b. Ex. 840, T. 8382-90;
 Ex. 841, p. 3, 5, 13-4;
 Ex. 842, pt. III, pp. 3-4.
 c. Ex. 84.)

control of the entire resources, both personal and
 1 material, of the nation.^{a.} In particular, it provided
 2 for the control of production of all kinds and of exports
 3 and imports, the regulation of all industry and labor,
 4 and the complete control of all financial institutions
 5 and their powers and functions.^{b.} Under the authority of
 6 this law, not less than 70 ordinances were promulgated
 7 and some 300-odd rules and regulations were made. By the
 8 Ordinance Concerning the Plan by the Promoter of a Busi-
 9 ness for General Mobilization of July, 1939, the War and
 10 Navy Ministers were given power to direct certain
 11 businesses to produce in accordance with a national pro-
 12 duction schedule and the businesses were forced to co-
 13 operate fully in executing army and navy plans.^{c.} The
 14 Use and Expropriation Ordinance of Factories and Work-
 15 shops of December, 1939, empowered the same ministers to
 16 expropriate land, building and equipment and to bring
 17 under government direction the owners, their employees
 18 and the businesses.^{d.} The Key Industries Control Ordinance of August, 1941, using the existing cartel structure as its guiding principle, made possible complete
 19 control of all major industries by the government.^{e.} In

(F-23. a. Exs. 84, 862-A, 863-A, T. 8789-8801.

b. Ex. 84; Ex. 840, T. 8395-8401.

c. Ex. 840, T. 8402.

d. Ex. 840, T. 8403.

e. Ex. 840, T. 8404-7.)

1 addition, under the Law Concerning the Industrial Equip-
2 ment Corporation of November 25, 1941, the government
3 took over directly the job of equipping war industry
4 plants.^{f.} As a result of these measures and related ones,
5 there occurred during 1940 no less than 212 major corpo-
6 rate mergers affecting a capital investment of
7 2,300,000,000 yen. In the first half of 1941 there were
8 172 mergers involving investments of over 3,000,000,000
9 yen.^{g.} By 1941, over 1,000 guilds had been formed from
10 small enterprises.

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25 (F-23. f. Ex. 840, T. 8407-10.
g. Ex. 840, T. 8393-4.)

F-24. Where, for some reason, private industry could not carry out certain enterprises or where even the most rigid enforcement of government control under the general mobilization laws was unsatisfactory, as has been seen before, a specific industry was controlled in whole or in part through a special device, the national policy company. Of nine such companies considered by Liebert, eight were formed after the formulation of the plans of 1937.^{a.} In addition, national policy companies were used to exploit and develop foreign territories, particulars of 15 of them being given by Liebert.^{b.} Of this total of 24 national policy companies, 22 were formed after 1933, 13 of them after the China Incident - all for war production purposes.^{c.} In substance, all such companies had the following features in common: government guarantee of principal and interest of debentures, extension of the usual limitation on debenture issues, tax exemption, government guarantee of dividends, monopoly privileges, receipt of bounties and subsidies, government shareholding and ultimate government control.^{d.} From 1937, the government became the direct and controlling

23 F-24. a. Ex. 840, T. 8530-4
 24 " b. Ex. 840, T. 8471-7
 " c. Ex. 840, T. 8535
 25 " d. Ex. 840, T. 8414-5

1 financier for the war production companies by reason
2 of its guarantees on the debenture issues of the
3 national policy companies, almost all of which were
4 unsecured. From 1936 to 1941, the government obligation
5 on such debenture issues increased from 3,000,000 to
6 3,500,000,000 yen, exclusive of obligations on special
7 debenture issues or the guarantee of dividends. The
8 ratio of debentures issued by the national policy
9 companies to total debentures issued by both national
10 policy and ordinary companies rose from 28.1 per cent
11 in 1937 to 72.8 per cent in 1941; while the ratio of
12 secured debenture issues to total secured and unsecured
13 issues fell from 49.2 per cent to 30.3 per cent in
14 the same period.^{e.}

15 F-25. Due to the expansion in the heavy
16 industry field and the increase of investments on the
17 continent at a time when Japan's balance of trade was
18 unfavorable, enormous outlays of foreign exchange were
19 required. To obtain sufficient foreign exchange, Japan
20 tried to solve the problem by consolidating, conserving
21 and controlling it, restricting imports according to
22 plan, stimulating exports and increasing gold production.
23 As early as 1932, Japan enacted the Capital Flight
24 Prevention Law, and in 1933 enacted the Foreign Exchange
25 F-24. e.. Ex. 840, T. 8536-9

Control Law which concentrated all foreign exchange
1 in the Bank of Japan. The powers under the latter
2 law were not fully invoked until January 1937, at
3 which time exchange payments of more than a certain
4 limit were required to be licensed. Throughout 1937,
5 the limit was constantly reduced, until by December
6 all payments over 100 yen had to be licensed. On
7 June 10, 1937, contemporaneously with its other plans,
8 the army drafted a plan for complete foreign trade
9 control. It provided a comprehensive trade control
10 plan by enacting a control law and a trade guild law
11 to promote autonomous control and, by establishing a
12 foreign trade ministry and a national policy company,
13 to undertake exports and imports necessary to national
14 defense. There were various other control features,
15 Exports were to be accelerated and imports suppressed
16 to emphasize the munitions industry.^a

18 F-26. Pursuant to plan, in August 1937, the
19 Foreign Trade Adjustment Law, granting powers to restrict
20 or even prohibit certain imports, was enacted. In
21 September 1937, an import licensing system was established
22 and the exportation of articles essential to military
23 purposes was absolutely prohibited. Control machinery
24 was set up in August 1937 by the Foreign Trade
25 F-25. a, Ex. 840, T. 8477-87

Association Law, which provided for import and
1 export associations to handle foreign trade under
2 strict government supervision and control. When,
3 despite these measures, the export trade fell off,
4 the Cabinet was forced to take more drastic measures
5 and call for severe curtailment of plans and severe
6 restrictions on civilians.^{a.} Action was also taken
7 to increase the supply of gold by the Gold Reserve
8 Revaluation Law, the Gold Fund, Special Account Law
9 and the Gold Production Law, all enacted on August
10 10, 1937. In March 1939, the government was authorized
11 to purchase compulsorily all gold.^{b.}
12

13 F-27. When the plans were formulated, it
14 was contemplated that enormous expenditures would have
15 to be made by the government in order to finance the
16 plans. It was estimated that the plans would involve
17 an expenditure of 8,500,000,000 yen in Japan and
18 Manchuria, in addition to direct and indirect subsidies
19 of over 1,000,000,000 yen and collateral subsidies of
20 272,000,000 yen. While the records of subsidies paid
21 by all the Ministries are incomplete, it is known that
22 the subsidies paid by the Ministry of Commerce and
23 Industry increased from 10,000,000 yen in 1937 to over
24

25 F-26. a. Exhs. 840, 856, 857, T. 8488-8508
" b. Ex. 840, T. 8513-18

207,000,000 yen in 1941.^{a.} Actual financing was
 1 carried out by giving the Bank of Japan control of
 2 the various banking organs, by authorizing an increase
 3 in debenture issues, and by generally vesting in the
 4 Bank of Japan extensive powers of control.^{b.}

5 F-28. To raise the almost 19,000,000,000 yen
 6 required by the plans for the years 1937-1941,^{a.} various
 7 methods were used. The government raised its issues
 8 of National Loan Bonds from over 2,000,000,000 yen
 9 in 1937 to over 10,000,000,000 in 1941. In many
 10 instances, they were purchased directly by the Bank
 11 of Japan which in turn forced them on the other banks
 12 which it controlled. The holdings of the Bank of
 13 Japan alone in such bonds from 1936 to 1941 increased
 14 from 487,000,000 to 5,500,000,000 yen.^{b.} Another
 15 method used was to increase the tax-free note issue
 16 limit of the Banks of Japan, Chosen and Taiwan. This
 17 happened twice between 1936 and 1941, with total
 18 increases of 9,129,000,000 yen.^{c.} Despite these
 19 increases, note circulation exceeded the authorized
 20 limit and in April 1941, drastic measures were taken.
 21 The monetary reserve regulations for the three banks
 22 were suspended, and the Minister of Finance was

23 F-27. a. Ex. 840, T. 8527-30 b. Ex. 840, T. 8520-2

24 F-28. a. Ex. 840, T. 8524-5 b. Ex. 840, T. 8543-4
 25 c. Ex. 840, T. 8544-5

authorized to fix the amount of tax-free note issues.^{d.}

1 This gave a completely artificial value to the yen.

2 Various means were used to promote the increase of

3 savings with excellent results, particularly in

4 postal savings and in the savings associations whose

5 funds were primarily available to the government and

6 its various organs.^{e.} In accordance with the plans,

7 measures were taken in September 1937 by the Temporary

8 Fund Adjustment Law to control investments, and the

9 Bank of Japan controlled by the Finance Minister, was

10 given complete authority over Japan's financial structure,

11 in substance control of all industrial financing.^{f.}

12 Further dominance of financial facilities by the Ministry

13 of Finance was effected in October 1940 by an Ordinance

14 enabling the Minister to require the banks to adopt

15 policies as directed by law.^{g.} The financial and

16 monetary policy of Japan was so uneconomic and paid

17 so little regard to sound finance that it is inescapable

18 to conclude that its undoubted purpose was to execute

19 at any sacrifice the industrial expansion for war

20 purposes provided by the plans.

21 F-28. d. Ex. 840, T. 8545

22 " e. Ex. 840, T. 8545-51

23 f. Ex. 840, T. 8552-6

24 g. Ex. 840, T. 8558-9

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F-29. None of the facts contained in the
1 testimony just reviewed has been challenged by the
2 defense. All of the defense witnesses either com-
3 pletely ignored them or silently or openly admitted
4 them. The real gist of the defense contention seems
5 to be threefold: (1) that some of the legislation
6 was enacted prior to the plans; (2) that all these
7 things were done to improve the economy of Japan and
8 for national defense; and (3) that these various acts
9 were required by the spread of hostilities following
10 the Marco Polo Incident. The first contention is on
11 the whole inconsequential. It is not at all uncommon
12 that legislation passed for one purpose should sub-
13 sequently be used to accomplish another. Furthermore,
14 none of the earlier legislation proved satisfactory,
15 and in each instance was replaced or supplemented by
16 legislation more stringent and broader in scope.

F-30. As to the second defense, even if we
18 lay aside the internal evidence contained in the plans
19 themselves and are able to forget the aggressive poli-
20 cies pursuant to which they were formulated, it is in-
21 credible that the plans were adopted merely for pur-
22 poses of a planned economy and for the peaceful develop-
23 ment of commerce and industry. If that were the case,
24 civilian curtailment would not have had to be so drastic,
25

controls would not have been so complete and extensive,
1 and there would not have been present the grossly
2 uneconomic features and results to which attention
3 has been drawn. The part played by the army and navy
4 and the measures adopted, speaking as they do in terms
5 of war, negative the contention these were mere domest-
6 ic schemes. Nor was the object legitimate national
7 defense. There is not the slightest evidence that the
8 British Commonwealth, fighting for its existence, the
9 United States or The Netherlands had the slightest
10 intention of attacking Japan or that Japan believed
11 that any one of them harbored such intention. Even
12 if Japan was genuinely afraid of an attack by the
13 Soviet Union, which is an assumption contrary to all
14 the evidence, then the measures adopted were out of
15 all proportion to the circumstances. If there were
16 any doubt about the matter, that doubt is resolved
17 when it is remembered that Japan did not launch attacks
18 against Russia, but against the British Commonwealth
19 and the United States.
20

21 F-31. With respect to the third defense, in
22 addition to the fact that the plans were drafted in
23 May and June 1937, when there were no China hostili-
24 ties and immediate large scale hostilities there were
25 not contemplated, the defense that the acts were

required by the hostilities in China was completely
1 vitiated by a speech made by the accused SATO in
2 March 1942. In that speech he stated that in 1936
3 the army formulated a national defense policy plan.
4 Determined to complete by every means an expansion
5 of her armaments and productive power by 1942, Japan
6 decided to effect a great armament expansion by a
7 six-year plan from 1937 to 1942 and a five-year produc-
8 tion plan from 1937 to 1941. After the China Incident
9 broke out, 40 per cent of the budget was spent on the
10 China Incident and 60 per cent on armament expansion.
11 As to iron and other materials, 20 per cent was spent
12 on the China Incident and 80 per cent on the expansion
13 of armaments. As a result, Japan's air and mechanized
14 units had been greatly expanded and her fighting
15 power ^{a.} tripled. This speech not only negatives the
16 third defense but points up clearly the essential
17 irrationality of the second defense - that the in-
18 creased armament was for purposes of legitimate
19 national defense. The war in China was an extensive,
20 full scale war of aggression. If in fighting that
21 huge war, Japan had to expand only 40 per cent of
22 her armament budget and 20 per cent of her war
23 materials, then the remaining 60 per cent and 80 percent
24
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devoted to armament expansion was overwhelmingly in
1 excess of Japan's legitimate national defense needs.
2 The conclusion is inescapable that the purpose of the
3 entire expansion was to enable Japan to carry out wars
4 of aggression.

5 My learned friend, Mr. Horowitz will continue
6 reading.

7 THE PRESIDENT: Mr. Horowitz.

8 MR. HOROWITZ: May it please the Tribunal.
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2. MILITARY AND NAVAL PREPARATIONS

1 F-32. The economic preparations were carried
2 out solely to perfect a war economy and the war machin-
3 ery of Japan. They were an inseparable part of the
4 active mobilization and preparation for war then being
5 simultaneously carried on by the army and navy. The
6 intense preparations made by the armed forces is well
7 evidenced by the budget figures for the relevant years.
8 The budget figures, which were furnished by the Ministry
9 of Finance of the Japanese government and carefully
10 checked^a include not only the general and special
11 accounts, but also the War Expenditure Account created
12 in 1937 to carry direct war-making expenditures after
13 the China Incident.^b The total army and navy budgets,
14 as compared with the total national budgets for Japan,
15 show tremendous increases from 1936 to 1941.
16

17 In 1936, the total budgets of the armed forces
18 were 1,075,000,000 yen out of a total budget
19 of 2,317,724,000 yen; in 1937, 4,057,446,139
20
21
22

F-32

- 23 a. T. 8676, 8707
24 b. Ex. 840, T. 8540
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1 out of 5,520,633,000 yen; in 1938, 6,097,755,799 out
2 of 8,083,662,000 yen; in 1939, 6,417,646,999 out of
3 8,952,463,000 yen; in 1940, 6,766,745,902 out of
4 11,033,769,000 yen; and in 1941, 15,446,711,931 out
5 of 19,253,257,000 yen.^{c.} While the defense have attempt-
6 ed through the witness ISHIBASHI^{d.} to assert that these
7 budgets were much less, it is interesting to note
8 that the witness never attempted in any way to show
9 that the figures testified to by Liebert and furnished
10 by the Finance Ministry were in any way inaccurate.
11 In view of his claims to be an expert in these matters
12 and to have special means of knowledge, his failure
13 to refer to the prosecution evidence and to challenge
14 it is peculiarly significant. It is also significant
15 that he tries to establish "Arms Expenses" solely
16 from the War Expenditure Account and ignores the
17 general and special accounts. With the huge sums of
18 money provided, both the army and navy prepared active-
19 ly for war.

20 a. ARMY PREPARATION FOR WAR

21 F-33. The intense preparation for war to
22 further the ends of the conspiracy carried on by the
23 army is seen from the measures taken to increase and
24

25 F-32. c. Ex. 840, T. 8542

d. Ex. 2841, T. 25421-32

strengthen the army in personnel, armament and materiel,
in the strategic plans of the army and in the tactical
training given to the army in preparation for war.

1. EXPANSION AND STRENGTHENING OF THE ARMY

F-34. The growth of the Japanese army during
the period of preparation for war is reflected in the
army budget figures. The budget for the Ministry of
War increased slowly from 1931 to 1936 from 247,000,000
yen to 515,000,000 yen. It jumped in 1937 to
2,750,000,000 yen and in 1938 to 4,251,000,000 yen.
By 1940, it had increased to 4,894,000,000 yen and in
1941 it was again practically doubled to 9,094,000,000
yen.^{a.} It cannot be contended that these huge in-
creases were occasioned solely by the hostilities with
China that began in the middle of 1937. As shown be-
fore, according to the accused SATO, only 40 per cent
of the budget was being devoted to the China hostili-
ties, and the balance was being used for armament ex-
pansion.^{b.} While the validity of the SATO speech has
been attacked during the course of the proceedings,
the statements contained therein have received ex-
cellent confirmation in evidence offered by the de-
fense during the general phases. The witness NISHIURA
testified in direct examination that in the spring of

F-34 a. Ex. 859, T. 8540-1

b. Ex. 849, T. 8413-5

1 1941 ammunition was divided 20 per cent for Manchuria,
2 30 per cent for China and 50 per cent for Japan; and
3 aviation gas 16 per cent for Manchuria, 4 per cent for
4 China and 80 per cent for Japan.^{c.}

5 The significance of these figures cannot be
6 overestimated. In the spring of 1941, Japan was
7 engaged in a large-scale war with China requiring
8 huge quantities of ammunition. Yet that large-scale
9 war only required 30 per cent of the ammunition manu-
10 factured by Japan; and there has not been an iota of
11 evidence or even the slightest intimation that activi-
12 ties in China ever suffered from a lack of ammunition.
13 The remaining 70 per cent was being kept in Manchuria
14 and Japan, areas in which there were no hostilities.
15 Such a huge percentage, more than double that being
16 used in a great war of aggression, was not being
17 stores for the defense of Japan. Its only possible
18 purpose was in preparation for further wars of aggres-
19 sion. Again, it is a well-known fact, amply supported
20 by the evidence, that Japan all during the period was
21 carrying out intense air operations in China. Yet 4
22 per cent of her aviation gas sufficed to meet the re-
23 quirements of those operations. The remaining 96 per
24 cent was being held in non-fighting areas for other wars.
25

F-34. c. Ex. 3023, T. 26951.

F-35. As disclosed in the evidence on
1 economic preparations, not only was the armament and
2 ammunition for war use enormously increased during
3 this period, but also army personnel was increased and
4 put on a war footing. According to information
5 furnished by the First Demobilization Bureau, the
6 liquidator of the affairs of the War Ministry, the
7 total strength of the Japanese army from January 1,
8 1930 to January 1, 1937, was 250,000 men. By January
9 1, 1938, it had increased to 950,000; by January 1,
10 1939, to 1,130,000; by January 1, 1940, to 1,240,000;
11 by January 1, 1941, to 1,350,000; and by January 1,
12 1942, to 2,100,000.^a
13

14 It must be borne in mind that these figures
15 represent only the standing army of Japan. As will be
16 shown hereafter, for many years previous Japan had
17 enforced a policy of military conscription and had
18 therefore available in the reserves large numbers of
19 trained men in addition to her standing army. Active
20 steps were taken to increase the period of service and
21 the training of the reserves. On March 8, 1939, the
22 Law Amending the Military Service Law was promulgated
23 and included amendments to the regulations on terms
24 of military service, conscription of ex-service men,
25

F-35. a. Ex. 880, T. 9074-6

1 the manner of conscription and postponement of con-
 2 scription, and abrogation of the short term service
 3 system. The term of supplementary reserve service
 4 for the army was lengthened to twelve years and four
 5 months. ^{b.} On April 1, 1941, the law was further revised
 6 to allow the conscripts to be enrolled in the army at
 7 stations in regions other than Japan proper without
 8 regard to census registration. Due to the increased
 9 demand on the armed services, the increase of work
 10 and the intricacy of organization, the law abolished
 11 the distinction between the first and second reserves,
 12 and provided that those who had completed active ser-
 13 vice should be enlisted in the reserve for the whole
 14 length of term formerly divided between the two
 15 reserve services. ^{c.} The duration of the term for
 16 supplementary reservist education was lengthened from
 17 120 to 180 days effective April 1, 1941. ^{d.} Other steps
 18 were taken to put the system on a war footing. On
 19 May 10, 1941, the National Defense Security Law became
 20 effective. There was also in operation the Military
 21 Secret Protection Law to guard against the leakage
 22 of military secrets and the Defense Resources. ^{e.}

23 F-36. By July 1941, some months previous to
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25 F-35. b. Ex. 864, T. 8803
 c. Ex. 864, T. 8803-5
 d. Ex. 864, T. 8805
 e. Ex. 864, T. 8805-6.

1 actual military movement, Japan was actively mobiliz-
2 ing its forces for action. On July 13, 1941, Ambassa-
3 dor Ott advised Ribbentrop that Japan was seriously
4 undertaking military mobilization measures and that
5 military preparations revealed that Japan's partici-
6 pation would soon take place, as he then thought, in
7 war against the Soviet Union.^{a.}

8 2. STRATEGIC PLANNING FOR WAR

9 F-37. At the same time as the army was being
10 increased and strengthened, strategic plans were being
11 laid for the operations necessary for the military
12 move to the south. Unfortunately, these plans are
13 unavailable for presentation to the Tribunal. It is
14 well known that many documents were destroyed as the
15 result of the air raids on Tokyo. Furthermore, on
16 August 14, 1945, the War Minister ordered all confi-
17 dential documents to be burned immediately.^{a.} On the
18 same day, the Chief of the Kempei Tai defined the docu-
19 ments to be destroyed as including those concerning
20 foreign affairs, counter-intelligence, thought, peace
21 preservation, secret history and materials by which
22 national power might be estimated.^{b.} Unquestionably,
23 no document would have higher priority for destruction
24 than a strategic plan, and we may well rest assured
25

F-36. a. Ex. 867, T. 8813-4

F-37. a. Ex. 2000, T. 14690-700
b. Ex. 2001A, T. 14701

1 that any copy of the plans which escaped the holocaust
2 of the air raids was destroyed pursuant to order.

3 While the defense deny that there were such plans other
4 than defensive ones until shortly before the Pacific
5 War started, they admit that both the alleged defen-
6 sive plans and all copies of operations plans for
7 the south were destroyed by fire.
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F-37. c. Ex. 3027, T. 26984, 27034

1 F-38. The defense would have us believe that
2 there were no strategic plans of operations for the
3 southern regions until shortly prior to the outbreak of
4 hostilities with Britain and the United States. Through
5 the witness TANAKA, Shinichi, they have maintained that
6 at the beginning of 1941 the General Staff had with
7 respect to the south only a purely technical provision
8 for defense in an annual program which was part of the
9 general peacetime national defense plan; and that it
10 was not until after the Imperial Conference decision
11 of September 6, 1941, that operational plans were
12 developed.^a While actual detailed operational plans
13 may not have been perfected prior to September, with
14 respect to strategic plans, not only is this account
15 hopelessly incredible in view of the nature and scope
16 of the operations in the south undertaken on and after
17 December 8, 1941, and the amazingly successful results
18 thereof, but, it is submitted, there is ample testimony
19 of the existence of strategic plans long prior to
20 September 6, 1941.

21 F-39. Although the entire plan is unavailable,
22 fortunately a portion of the plan kept in the Ministry
23 of Finance has been presented to the Tribunal. This
24

25 F-38

a. Ex. 3027, T.26982-27036.

document by its very nature establishes the existence by
 1 no later than January 1941 of a complete overall strategic
 2 plan for the move to the south. On January 16, 1941 the
 3 War Ministry requested that there be urgently prepared
 4 original currency plates to be used in unspecified areas.^a
 5 Defense witness YOSHIDA designated the unspecified areas
 6 as the southern regions, and testified that in January
 7 the Finance Minister ordered the printing of the
 8 currency.^b By May, some of the notes had already been
 9 printed.^c The notes continued to be printed throughout
 10 the following period in denominations of pesos, dollars
 11 and guilders.^d By October 22nd certain of these
 12 currencies were sent to the Shanghai Agency of the Bank
 13 of Japan.^e
 14
 15 At the end of October the method of issuing these military
 16 notes was determined by Premier TOJO and Ministers KAYA
 17 and SHIMADA. The plan provided for distribution of the
 18 currency through the Bank of Japan and for the method
 19 of accounting to be used in connection with the issue.
 20 The guilders were to be used in the Netherlands East
 21 Indies; the dollars in British Malaya, Borneo and Thailand;

22 F-39

- 23 a. Ex. 825, T. 8451
 24 b. Ex. 3025, T. 26972-3
 25 c. Ex. 854A, T. 840, T. 8467; Ex. 3025, T. 26973
 d. Ex. 852, T. 8452-5
 e. Ex. 852, T. 8455-6

and the pesos in the Philippines.^f The purpose of the
1 notes was stated to be the defraying of war expenditures
2 in the event of carrying out a military operation in the
3 southern regions.^g

4 F-40. If the defense contention be accepted
5 in the light of the undisputed evidence on the planning
6 and preparing of occupation currency, we will have the
7 anomalous finding by this Tribunal that Japan planned for
8 and prepared occupational currency for use in defraying
9 military operational expenses for the southern regions
10 fully nine months before it had a strategic plan for
11 military operations there. This would be placing the
12 cart before the horse and is a violation of the elementary
13 principle of logic -- that first things come first.
14 Planning military occupation currency does not precede
15 planning the military operations in which that currency
16 is to be used. Without a plan of military operations,
17 the preparation of occupation currency would be a mean-
18 ingless thing. We cannot assume, or be ever convinced,
19 that these accused, the highest leaders of Japan, employed
20 their time in meaningless activities such as printing
21 occupation currency without having a plan for its use.
22 The planning and preparing of occupation currency
23

24 F-39

25 f. Ex. 852, T. 8457-62
g. Ex. 852, T. 8457

1 invariably either follows the preparation of a plan of
2 military operations or accompanies it. The inescapable
3 conclusion is that the military currency plan was only
4 a small part of a composite overall plan of military
5 operations for the South Seas, formulated either prior
6 to this particular part or contemporaneously with it.
7 At the latest, the basic strategic plan was completed by
8 January 16, 1941. Since on that date steps were taken
9 to actually put into execution the part of the plan
10 with respect to military currency, there is more than
11 a strong inference that the strategic plan was completed
12 before that time.

13 F-41. Moreover, if either necessary or import-
14 ant, it is possible to reconstruct the complete strategic
15 plan from evidence that has been introduced before this
16 Tribunal. The First Table-Top Maneuvers of the Total
17 War Research Institute conducted in August 1941 disclose
18 the entire strategy, including the strategic diplomatic
19 plan.^a It is wholly unnecessary to review or summarize
20 the long documents which comprise this Table-Top Maneuver,
21 since even the most casual reading shows clearly and
22 positively that it is a substantially accurate forecast
23 in nature, time and scope of the actual events that
24

25 F-41

a. Ex. 686-A, T. 8889-8925; Ex. 870-A, T. 8930-6;
Ex. 871-A, T. 8938-72

1 took place in the year following the holding of the
2 maneuver in August 1941. It will suffice to point out
3 certain salient and critical features which characterize
4 the program. The program of research was to include
5 investigation of national policy; strategic planning
6 for total warfare and the judging of the situation
7 necessary for it; the planning of total war strategy
8 and the preparation for its development; the completion
9 of preparation for total warfare at home and abroad;
10 the preparation of armed warfare and the direction of
11 financial and economic warfare; the decision for war
12 and the directing of total war after decision; the
13 direction of an outbreak of war and the direction of
14 total war immediately following the outbreak and there-
15 after.^b

16 The principal maneuver items were defined as
17 negotiation with the United States and her economic
18 demands, the reply to the Axis and Soviet Union and
19 preparation for war against the Soviet and the United
20 States.^c The situation presented was a series of events
21 from August 1941 to October 1942, which have an uncanny
22 correlation to events as they actually transpired and
23

24 F-41

25 b. Ex. 686-A, T. 8888-90
c. Ex. 686-A, T. 8896

1 which required military, naval, diplomatic and economic
 2 planning prior to and during the war.^d The guiding
 3 principle for the total warfare was that every effort
 4 should be made for complete execution of the China
 5 Incident under established principles, and at the same
 6 time, that Japan's position for total warfare should be
 7 completed and strengthened so as to be able to cope
 8 immediately with wars with other countries.^e During
 9 the course of the maneuvers, the participants formulated
 10 a national policy toward the Netherlands, the United
 11 States, Britain, the Axis, and the Soviet, which did
 12 not differ in a single particular from the policies
 13 actually thereafter followed by Japan.^f The maneuvers
 14 went so far as to work out in detail the decisions made
 15 and actions taken by the government and each of its
 16 ministries and other organs, which in large measure
 17 duplicated the actual actions thereafter taken by the
 18 Japanese government, its ministries and other organs.^g

19 F-42. Notwithstanding the amazing correlation
 20 between these maneuvers and actual events, which alone
 21 would seem to guarantee the accuracy of the maneuvers as
 22 the measure of Japan's strategic planning in preparation

23 F-41 d. Ex. 686-A, T. 8896-8905
 24 e. Ex. 686-A, T. 8906
 25 f. Ex. 870-A, T. 8930-7
 g. Ex. 871, T. 8938-71

for aggressive warfare, the defense have taken the position of minimizing the Research Institute for Total War. They contend that the institute was totally insignificant, that it was a mere research organ without power, that its students were unimportant and that its work was a mere exercise in mental gymnastics. Even if we accept the defense contention, they still cannot escape the fact that the work of the Institute was preparation for war, since there is no surer way to prepare a nation for war than to set before a group of educated minds the task of doing research and performing an exercise in mental gymnastics on the subject of total war. To establish their contention the defense seize upon a few relatively unimportant minor facts, completely divorced from the overall picture, and attempt to marshal them so as to portray a non-existent situation.

F-43. The defense contention in this respect is based wholly on a misconception of the prosecution's position on the matter of the Research Institute for Total War. It has not been and is not the prosecution's contention that the Research Institute for Total War was the strategic planning agency for the General Staff of the Japanese Army and that it drew up the strategic plans for the General Staff. On the contrary, the prosecution not only admits but contends that the actual strategic plans

were products of the General Staff. In this respect,
1 the organization did not differ from its sister organ-
2 ization in Germany, The Hopfhauser School of Geopolitics.
3 No one has ever contended that the German General Staff
4 did not formulate the strategic plans for Hitler's wars
5 of conquest. Yet, it is an elementary acknowledged
6 fact of contemporaneous world history that the strategic
7 planning of the German General Staff had its foundation
8 in the research and studies carried out and in the
9 principles enunciated by the School of Geopolitics.

10 F-44. The prosecution's contention with
11 respect to the Institute is, in fact, threefold. Its
12 first contention is that the mere existence of the
13 Institute from and after October 1, 1940, for the purposes
14 for which it was created, is sound evidence that Japan
15 was planning for total aggressive war during the period
16 of its existence. The second contention is that in
17 light of the fact that research and study is an integral
18 component of strategic and other planning for modern total
19 warfare, both prior and subsequent to the actual drafting
20 of plans, the Institute was the organ of training and
21 research of Japan to carry on research and study in order
22 to test the validity of plans already formulated so that
23 they might be perfected and to lay the groundwork for the
24 preparation of further plans to meet new conditions
25

1 brought about by the execution of the first plans. The
2 third contention is that in light of the position of the
3 Institute as an organ of the government, its function,
4 its members and their access to all top secret materials,
5 and the high degree of correlation between the maneuvers
6 of the organization and events that actually transpired
7 subsequently, the maneuvers of the Institute are good,
8 accurate secondary evidence of the existence and contents
9 of the strategic plans of the Army General Staff in the
10 absence of its actual strategic plans.

11 F-45. The prosecution's contentions, it is
12 submitted, are amply supported by the evidence. The
13 Ordinance of October 1, 1940, effective the same day,
14 provided that the Institute was to be created and
15 administered by the Premier in order to control a basic
16 study and research in connection with the national war
17 and to control the education and training of officials
18 and others in connection with total war. The head of
19 the institute was to carry out the project under the
20 supervision of the Premier. Councillors to participate
21 in the duties of the institute were to be appointed by
22 the Premier from the higher officials of the various
23 government offices and from eminent and experienced
24 scholars.^a
25

F-45

a. Ex. 868-A, T. 8817-8

1 This ordinance alone should be sufficient evidence to
2 fully support the prosecution's contention of the import-
3 ance of the Institute. However, since the defense con-
4 tention is based upon certain alleged facts arising from
5 the operation of the Institute, actual operations must
6 be considered. The members of the Institute were lieuten-
7 ant and major-generals, vice-admirals, army professors
8 and high ranking officials from the various ministries
9 and other government organs.^b HOSHINO, then President
10 of the Planning Board, was the first Director of the
11 Institute and subsequently a councillor.^c KIMURA^d
12 and SUZUKI^e were both appointed councillors. However,
13 the defense maintains that HOSHINO, the first Director,
14 gave no orders or instructions and showed no interest.^f
15 There is also testimony that the councillors took no
16 interest and performed no functions in connection with
17 the Institute. If this line of testimony existed in
18 isolation, there might be some ground for arguing that
19 it be given credence. However, it is only one sample
20 of a defense which has been constantly repeated in
21 these proceedings. It has been one of the amazing features
22 of this trial to hear the accused and their witnesses

24 F-45

- 25 b. Ex. 869, App AA, p 3-5, T. 8821-5
c. Ex. 109, T. 711-2
d. Ex. 113, T. 728
e. Ex. 126, T. 786
f. Ex. 3217, T. 29184.

1 state over and over again that the accused, who could
2 not deny the offices they held, did not attend meetings
3 of the offices and organizations to which they were
4 appointed and had no knowledge of what was done in
5 those offices. One must wonder, in view of the
6 alleged lackadaisical attitude of the accused to their
7 appointed tasks, how Japan, its government, army and
8 navy were able to function, let alone achieve the su
9 successes which were for so long a time sustained.
10 This testimony is plainly incredible.

11 THE PRESIDENT: We will adjourn until half-
12 past one.

13 (Whereupon, at 1200, a recess was
14 taken.)

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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International
3 Military Tribunal for the Far East is now resumed.

4 THE PRESIDENT: Mr. Horwitz.

5 MR. HORWITZ: Continuing with paragraph F-46:

6 F-46. The students of the organization were
7 selected by the Cabinet Ministers and after examina-
8 tion were appointed by the Cabinet.^a Most of them
9 came from the government organs of Japan.^b Of the
10 first group of students appointed for the period
11 April 1, 1941 to March 2, 1942, all came from the
12 government except one who came from private industry.
13 He was an employee of MITSUBISHI.^c The intimacy of
14 the MITSUBISHI interests with the government has
15 already been seen in the field of narcotics. In view
16 of the basic importance of private industrial coopera-
17 tion in planning and preparing for total war, it is
18 pointing out the obvious to say that the presence
19 among the student body of one student, representing
20 private interests closely connected to and vitally
21 important for the government, does not detract from

22 F-46.

23 a. Ex. 3030, T. 27070.

24 b. Ex. 869, App. BB, p.6-11.

25 c. Ex. 869, App. BB, p.6-7.

the importance of the Institute. The students had
1 access to top secret information of the various
2 government bodies and their studies were given top
3 secret classification.^{d.} In order to give the im-
4 pression that the documents were of no importance,
5 it has been asserted that much of the information
6 contained in the studies was of a non-secret nature.
7 However, it is admitted that the documents contained
8 top secret statistics,^{e.} and it is an elementary
9 principle of military practice that an entire docu-
10 ment, containing only one single fact of a classifiable
11 nature, is classified under the classification of that
12 fact. In considering the importance of the Institute,
13 it is interesting to note that the top secret national
14 statistics which the government refused on the grounds
15 of national safety to disclose on November 29, 1941,
16 to the Senior Statesmen, who were called to advise
17 the Emperor at Japan's most crucial hour,^{f.} was made
18 available to these students. The documents were kept
19 within the Institute and not made available to those
20 outside.^{g.} While it has been claimed that outsiders
21 attended the maneuvers of the Institute, the outsiders
22 were not identified or classified, and the records of
23
24

F-46.

25 d. T. 8833, Ex. 3030, T. 27069. f. Ex. 3229, T. 29260.
e. Ex. 3030, T. 27069. g. T. 8834-5.

1 the maneuvers showed that the part of the maneuvers
2 which dealt with third power problems was reserved
3 for private showing.^h The Institute was housed in
4 a Cabinet house,ⁱ and when the organization was dis-
5 banded, the Cabinet became the repository for its
6 documents.^j Cabinet offices are not ordinarily the
7 repository for worthless documents of a school. It is
8 also significant to note that the Institute did not
9 cease to function until after the need for planning
10 total war had disappeared and Japan was well on her
11 way to defeat.

12 F-47. The curriculum studied and the
13 problems worked out by the Institute have already
14 been sufficiently discussed. Further particulars
15 are contained in Exhibits 869 and 686-A. The correla-
16 tion between the work of the Institute and actual
17 events is well brought out in the foreign policy
18 adopted by the Cabinet of the first Table Top Maneuver.
19 That decision provided that Japan would begin war
20 against the United States and Britain and take every
21 possible measure to see that the situation at the
22 outbreak was favorable; that the war would probably
23

24 F-46.

25 h. Ex. 870-A, T. 8930; Ex. 3030, T. 27069.

i. Ex. 3217, T. 29183.

j. T. 8855.

1 be opened after the middle of December; that Japan
2 would develop a strong thought war and expect the
3 Netherlands East Indies to surrender in a short
4 time; that Japan would try to keep her intention of
5 opening war against the United States and Britain
6 secret by means of a diplomatic policy and Japan
7 would try to seize an advantageous situation at the
8 outbreak; that the Axis would be informed when the
9 war opened and would be presented with Japan's
10 demands; and that a delaying policy would be
11 adopted toward the Soviets.^a This decision of
12 August 1941 is identical, except for the date of
13 opening hostilities, with the program actually
14 thereafter followed by Japan. It is not only absurd
15 but childish to contend that this was a mere coinci-
16 dence and matter of chance. All the evidence and all
17 the inferences therefrom would indicate that it was
18 worked out from the strategic plans already formu-
19 lated. Further evidence of tactical training in
20 preparation for the move to the south confirms the
21 existence of an overall strategic plan.

22 3. TACTICAL PREPARATION FOR WAR.

23 F-48. In accordance with the strategic

24
25 F-47.

a. Ex. 870A, T. 8935-6.

1 plans, materials were gathered, supplies furnished
2 and the army trained for the battles to be fought in
3 the southern areas. In preparation for the wars,
4 extensive espionage was carried on by the Japanese
5 army. In July 1940, the OSAMU Group Headquarters
6 issued a table setting forth the organization of the
7 Australian army, and the Japanese had in their posses-
8 sion a sketch showing the disposition of Australian
9 military forces.^{a.} The American forces captured from
10 Japanese troops undated sketches showing the types
11 and strength of Dutch forces in Java, Sumatra and
12 Bali, one bearing the statement "1935 to the present,"
13 which from internal evidence would seem to refer to
14 1940-1. In March 1941, an army major filed a report
15 on military data on British New Guinea which pointed
16 out that the possession of the Netherlands East Indies
17 archipelago would give command of the air and sea in
18 the Southwest Pacific, would give a series of stepping
19 stones for operations against Australia and control of
20 New Guinea, would cut communications between the South
21 Pacific and the East Indies and would force the enemy
22 to detract to South Australia.^{b.}

23 F-49. On the other hand, counter intelligence

24 F-48.

a. Ex. 809, T. 9063.

b. Ex. 809, T. 9059-62.

1 measures were taken to counteract espionage. In
2 September 1941, the 19th Division in Korea took
3 elaborate precautions to prevent foreigners from
4 obtaining military news. Instruction concerning
5 espionage was given. Contact of military personnel
6 outside barracks was restricted to official business
7 and special precautions were taken against English,
8 Americans, Russians and others opposing the Axis to
9 prevent discovery of Japan's intentions. Korean
10 Christians were to be especially watched, soldiers'
11 family conversations observed, and strict supervision
12 was to be had of all Korean servants and merchants.^{a.}

13 F-50. From September 1941 until the outbreak
14 of the Pacific War, troops were deployed and supplies
15 stockpiled at the jumping off bases. Defense witness
16 TANAKA, Shinichi, testified that in the middle of
17 September part of the forces were sent from Japan
18 and Manchuria to Formosa and French Indo-China.
19 Ammunition for ten battle divisions was stocked in
20 those places for general operations on the basis of
21 one and one-half times the general standard. Aviation
22 and shipping installations were reinforced or created
23 in those places and South China, and supply bases
24

25 F-49.

a. Ex. 809, T. 9063-6.

1 were established. Requisitioning and equipping of
 2 ships was begun and the training of the army and air
 3 force accelerated.^{a.} After November 5, full scale
 4 preparations were launched. Occupational army corps
 5 left for their areas of service from Japan, China
 6 and Formosa. Mobilization, deployment, requisitioning
 7 and base establishment were accelerated.^{b.} Defense
 8 witness NISHIURA testified that between September and
 9 December, 10 percent of Japan's ammunition and 12
 10 percent of its aviation gas were sent to Formosa and
 11 Indo-China.^{c.}

12 F-51. Exhibit 872 is a series of charts and
 13 telegrams showing the quantities of munitions, ammuni-
 14 tion, machinery, fuel, oil, grease, etc. delivered to
 15 seaports and distributed to divisions pursuant to
 16 orders of November 7, 1941.^{a.} The evidence also
 17 shows that, beginning as early as September and con-
 18 tinuing throughout the period until the opening of
 19 hostilities, troops were deployed for specific opera-
 20 tions against Malaya,^{b.} Hong Kong,^{c.} Guam,^{d.} the
 21 Philippines^{e.} and Thailand.^{f.} In connection with

F-50.

- 23 a. Ex. 3027, T. 27023-4.
 24 b. Ex. 3027, T. 27031,3.
 25 c. Ex. 3023, T. 26952-3.

F-51.

- a. Ex. 872, T. 8972-4.

F-51.

- b. Ex. 809, T. 9012-14,40.
 c. Ex. 874A, T. 8979.
 d. Ex. 809, T. 9028-35;
 9037-9; 9041-43,8.
 e. Ex. 809, T. 9036-7.
 f. Ex. 809, T. 9038,44,47.

1 this evidence, the defense would have us believe that
2 the fact that this activity did not take place until
3 September 1941 establishes that there were no strategic
4 plans prior to September. However, there was no need
5 for any of this particular activity being carried out
6 any earlier, and it is the type of activity usually
7 carried out as late as possible to keep the prospective
8 enemy beguiled. The fact that certain steps pursuant
9 to a plan are taken at a particular time does not
10 signify that the plan did not exist earlier.

11 F-52. Steps were taken to train the army for
12 action in the southern regions and many training manuals
13 were issued. While normal military training programs
14 might account for some of the manuals, there were
15 some manuals, in addition, showing the trend of the
16 Japanese military interests and some clearly indicating
17 the approaching crisis. On the following dates, the
18 following publications were made: April 30, 1940,
19 British Malaya; November 1, 1940, Military Geography,
20 Dutch East Indies; August 1940, Military Geography,
21 British Borneo; October 1941, Resources British Malaya.^{a.}
22 In September 1941, a large map of the East Asia Co-
23 Prosperity Sphere was published, containing the
24

25 F-52.

a. Ex. 809, T. 2066-8.

1 military installations of Singapore and detailed maps
2 of Java and Hawaii.^{b.} There were other pamphlets on
3 landing operations and plane identification and navy
4 pamphlets on the Malay language and tropical hygiene.^{c.}
5 A pamphlet entitled "Just Read This and the War is
6 Overcome" was issued to each soldier before going
7 overseas. While the date of publication is unknown,
8 a captured copy bears the receipt date of November 10,
9 1941, and the length and nature of the pamphlet indi-
10 cates that it was prepared considerably prior to that
11 time. The pamphlet taught the malevolence of Britain
12 and the United States and pointed out that if Japan
13 could obtain the South Seas and southern China, it
14 could put a knife into America's sorest spot. It
15 preached the need of freeing China from white influence
16 and of aiding independence in Thailand, Annam and the
17 Philippines. It warned of the difficulties of trop-
18 ical fighting. Its entire context was aimed to
19 increase the hatred and fighting power of the soldier
20 against Britain and the United States.^{d.} Another
21 pamphlet, entitled "Message to Warriors in the South
22 Seas," was issued November 15, 1941, to the troops
23 for the Guam operation.^{e.}

24 F-52.

b. Ex. 809, T. 9068,9.
c. Ex. 809, T. 9069.

d. Ex. 809, T. 9014-22.
e. Ex. 809, T. 9023-5.

1 F-53. The army was also rigorously trained
2 for battle operations. From captured Japanese unit
3 commanders the United States Military Intelligence
4 learned that the units and commanders were selected
5 months in advance and were concentrated in special
6 training areas where the training and climate approxi-
7 mated the fighting regions. In the late summer and
8 fall of 1941, landing operations were practiced on
9 the South China Coast by the troops which later
10 invaded Malaya and the Philippines. Task forces
11 were organized during the summer of 1941, and they
12 trained and worked together until the outbreak. The
13 troops used in Malaya trained all through the fall
14 and were seasoned jungle fighters. Special personnel
15 drawn from units with long service in China were used
16 for initial landings. One unit used in the Malaya
17 operations had trained for over a year with special
18 emphasis on attacking pillboxes and crossing rivers.^{a.}
19 The official monthly report of the HA corps used in
20 the Hong Kong operations confirms this evidence and
21 shows that preparatory work was going on from the
22 middle of 1940, and that in August 1941, special train-
23 ing for the attack on Hong Kong was begun.^{b.} The army
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25 F-53.

a. Ex. 809, T. 9049-53.

b. Ex. 874-A, T. 8980-3.

1 was thus fully prepared to strike and carry out its
2 duties at the proper time.

3 b. PREPARATION OF THE NAVY FOR WAR.

4 F-54. The program of expansion and preparation
5 for war carried out by the army was duplicated in the
6 navy which, by the very nature of the project, was to
7 have in the earlier stages of the hostilities the more
8 vital role. Before the navy could begin its program
9 of expansion and preparation for war, it had to first
10 rid itself of the limitations and restrictions on its
11 expansion. By the Washington Naval Treaty of 1922,
12 to which Japan was a party, the signatory powers pro-
13 vided for the limitation and reduction of naval arma-
14 ment based on the comparative defensive needs of the
15 powers concerned. They had agreed to scrap a number
16 of warships, to limit the construction and acquisition
17 of warships exceeding specific displacements and the
18 calibre of the guns to be carried by them, to communi-
19 cate information on any new warships proposed to be
20 laid down, and had agreed that the Treaty should con-
21 tinue until December 31, 1936, or if none of the parties
22 gave notice before December 31, 1934, of the intention
23 to terminate it, it should continue until two years
24 from the date of notice of termination.^a By the

25 F-54.

a. Ex. 34, T. 513.

1 London Naval Treaty of 1930, which was in substance a
2 development or extension of the principles laid down
3 in the Washington Treaty, the same parties, including
4 Japan, had provided for a limitation of the tonnage
5 of certain types of cruisers, destroyers and submar-
6 ines.^{b.} From 1930 to 1936 the navy worked zealously
7 to free itself from the restrictions of the treaties
8 and by the end of 1936 had completely succeeded.

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25 F-54.
b. Ex. 35, T. 513.

(1) FREELING JAPAN FROM THE TREATY RESTRICTIONS

1 F-55. Even at the time of the negotiation
2 of the London Naval Treaty, the Japanese Navy had been
3 opposed to it, and it was only after Premier HAMAGUCHI
4 had taken the position that the matter of concluding
5 treaties was a matter for Cabinet decision and had
6 issued instructions immediately before the last con-
7 ference to the Japanese plenipotentiaries that the
8 Japanese delegates had agreed to the treaty.^{a.} Naval
9 opposition to the Treaty was then continued before
10 the Privy Council, the ratifying body. Although the
11 matter was referred to the Council on July 24, 1930,
12 it was not brought before the investigation committee
13 until August 18, from which time until September 17
14 twelve secret meetings were held.^{b.} The minutes of
15 the Privy Council make it clear that the fundamental
16 objection was that Japan would be unable to carry out
17 the basic principle that Japan's armaments should be
18 based upon the possibility of a crisis in the Orient
19 with America or other powers intervening in Sino-
20 Japanese relations over rights and interests in Man-
21 churia and Mongolia.^{c.}

22 As early as 1930 Japan recog-
23 nized that the United States and others were obstacles

24 F-55. a. Ex. 910A, T. 9162-3; Ex. 911A, T. 9172-4
25 b. Ex. 911A, T. 9173
c. Ex. 910A, T. 9164

to its program of expansion.

1 F-56. When, despite naval opposition, the
2 treaty was ratified, the opposition did not cease.
3 The naval leaders more and more insisted that Japan
4 must demand parity or a great increase in relative
5 tonnage at the conference in 1935, and by September
6 1933, had built up a feeling of resentment or con-
7 tempt for anything or anyone connected with the
8 Treaty. Premier HAMAGUCHI was assassinated and three
9 admirals who supported the treaty were retired, thus
10 bringing about the elimination of the naval influence
11 in favor of maintaining the Treaty.^{a.} When it became
12 apparent that the United States was building up her
13 navy within treaty limits, even though the expanded
14 navy would fall short of treaty limits by 175,000
15 tons, Japan's navy leaders made it clear as early as
16 1933 that Japan would demand parity in 1935 and would
17 leave the conference if the demand was refused.^{b.}

19 F-57. The Treaty of 1930 provided for a
20 conference in 1935 to frame a new Treaty, and pursuant
21 thereto in May 1935, Great Britain invited the United
22 States and Japan to a preliminary conference. While
23 preliminary talks were held in June by diplomatic
24

25 F-56.

a. Ex. 58, T. 9179; Ex. 156, T. 1322-3
b. Ex. 58, T. 9180-2

1 representatives, Japan's naval delegate did not ar-
2 rive until October 1934.^{a.} Before the serious dis-
3 cussions began, Japan attempted to apply pressure on
4 the United States and Britain. On September 18, 1934,
5 HIROTA told Grew that Japan had decided to give
6 notice before December 31 to terminate the Washing-
7 ton Treaty.^{b.} This was clear notice that unless
8 Japan's demands were met, she would withdraw from the
9 treaty system. At the conference, Japan's delegates
10 MATSUDAIRA and YAMAMOTO made it clear that Japan
11 would not continue the ratio system and proposed a
12 common upper limit within which each power would be
13 free to equip itself as it thought fit.^{c.} The pre-
14 liminary conference ended in failure, and on December
15 29, 1934, after the conference had recessed, Japan
16 served notice of abrogation of the Washington Treaty,
17 effective December 31, 1936.^{d.} Although the matter
18 had been decided by the Cabinet in September and
19 approved by the Privy Council on December 19, 1934,^{e.}
20 the actual giving of notice was delayed until after
21 the conference had recessed.
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23 F-57.

- 24 a. Ex. 58, P. 5, Ex. 3011, T. 26,782
25 b. Ex. 58, T. 9189
c. Ex. 58, T. 9189-99
d. Ex. 58, T. 9200
e. Ex. 58, T. 9199

F-58. In accordance with the Treaty of 1930, a naval limitation conference was held beginning in December 1935.^{a.} At the Conference, the attitude of the United States and Britain was to confirm and extend the principles forming the basis of the Washington and London Treaties. They contended that the foundation of naval limitations and reduction must be "equality of security" which was the basic principle of the existing treaties, and that "equality of armament" not only would not bring security but would lead to insecurity. They urged that the treaties had succeeded in achieving their object and that nothing had occurred to justify any change.^{b.} However, the Japanese, through their delegates NAGANO and NAGAI, while recognizing the differences existing among different nations in vulnerability, responsibility and needs, insisted upon their proposal of the common upper limit.^{c.} On January 15, 1936, NAGANO stated to the Conference that since it was clear that the basic principles embodied in Japan's proposal would not secure general support, Japan had concluded that it would not continue to participate in the deliberations.^{d.} On

F-58. a. Ex. 58, P. 33-54; c. Ex. 58, T. 9211-16
Ex. 3011, T. 26798 d. Ex. 58, T. 9217
b. Ex. 58, T. 9201-10

January 16, 1936, Japan withdrew from the Conference,
 leaving only an observer present after the 20th.^{e.}

With this action Japan's navy had completely freed
 itself from any limitation and restriction on its
 expansion in size and in armament.

F-59. Having thus freed itself of such re-
 strictions, Japan thereafter consistently refused to
 put itself in any position which might possibly be
 construed as a restriction or limitation on its
 action. When the United States, France and Britain
 concluded a treaty on March 25, 1936, and Japan was
 invited to join, Japan refused to adhere to the
 treaty.^{a.}

The new treaty provided for a fourteen-
 inch gun calibre limitation, subject to the condition
 that if any of the Washington Treaty powers should
 fail to agree to it before April 1, 1937, the maximum
 should be sixteen inches. Despite the invitation of
 both Britain and the United States, Japan in both
 March and June 1937 refused to agree.^{b.}

In February
 1938, Japan rejected identic proposals from the
 United States, Britain and France for the reciprocal
 exchange of naval construction information, notwith-

F-58.

e. Ex. 1249, T. 11,183-4
 Ex. 3011, T. 26,819

F-59.

a. Ex. 58, T. 9226
 b. Ex. 58, T. 9227-32

standing she was informed that there were persistent reports that she intended to build above treaty limits and that these powers were still willing to discuss with Japan the question of naval limitation.^{c.}

(2) NAVAL PREPARATION FOR WAR

F-60. Following the withdrawal from the treaty system, Japan embarked on a program of preparing its navy for war. To accomplish this, it expanded its navy, fortified the mandated islands, drew up strategic plans and trained the navy for war.

(a) EXPANSION AND STRENGTHENING OF THE NAVY

F-61. The growth of the Japanese Navy during the period of preparation for war, as in the case of the army, is reflected in the budget figures for the navy. The budget for the navy had increased progressively from 231,000,000 yen in 1931 to 536,000,000 yen for 1936. In 1937, it was more than doubled to 1,307,000,000 yen, from which time it increased, reaching in 1940 1,872,000,000 yen. In 1941, it was increased to 6,352,000,000 yen.^{a.} The details of the budgets were kept secret from the Diet, the appropriating agency. In 1936, in discussing the budget for the fiscal year 1937, Admiral TOYODA, Soemu, stated that it was impossible for Japan to make known

F-59. c. Ex. 58, T. 9233-9 F-61. a. Ex. 859, T. 8541

to the Diet or to the people the contents of her
 plan, since it was unprofitable to let other powers
 know too early the shipbuilding policy of Japan's
 navy.^{b.} Japan's naval personnel increased from
 95,000 in 1934 to 133,747 in 1937, to 311,359 in
 1941.^{c.} Japan's combat vessels increased in number
 and tonnage. The year 1937, the first year of re-
 moval of naval limitation, showed an increase of
 18 vessels and an increase in tonnage of 50,000 tons.^{d.}
 In that year, three heavy cruisers were commissioned,^{e.}
 one aircraft carrier was commissioned and the keels
 laid for two others.^{f.} Aircraft carriers, which the
 Japanese Navy regarded as the primary offensive
 naval weapon,^{g.} increased from four with a total ton-
 nage of 68,000 tons in 1936 to ten with a total ton-
 nage of 152,970 tons as of December 7, 1941.^{h.} Heavy
 cruisers were increased from 8 to 18 from 1931 to
 1941.^{i.} By December 7, 1941, according to the
 defense's own figures, the Japanese Navy had 10
 battleships of 301,000 tons, 10 aircraft carriers of
 152,970 tons, 18 heavy cruisers of 159,000 tons, 20
 light cruisers of 99,000 tons, 112 destroyers of

F-61 b. Ex. 914A, T. 9241-8 g. Ex. 58, T. 9191-2
 c. Ex. 915, T. 9250 h. Ex. 1249, T. 11184,
 d. Ex. 916, T. 9251 11258;
 e. Ex. 917, T. 9253 Ex. 3003A, T. 26647
 f. Ex. 918, T. 9254 i. Ex. 1249, T. 11185

1 166,000 tons, 65 submarines of 98,000 tons, and
2 156 miscellaneous vessels of 490,000 tons.

3 F-62. However, the defense contend that all
4 this was not in preparation for war but by way of
5 self-defense against the United States, which was
6 engaging in a tremendous naval expansion program.
7 They point out that as of December 7, 1941, the
8 United States had 17 battleships of 534,000 tons, 8
9 aircraft carriers of 163,000 tons, 18 heavy cruisers
10 of 171,200 tons, 19 light cruisers of 158,000 tons,
11 172 destroyers of 240,000 tons, 111 submarines of
12 117,000 tons, and 1192 miscellaneous vessels of
13 1,273,469 tons.^{a.} They also point out that the
14 United States had under construction tonnage of
15 2,432,000 tons, while Japan had only 375,000 tons
16 plus one battleship whose construction was thereafter
17 suspended.^{b.} Aside from the most relevant fact that
18 there is absolutely no evidence that the United
19 States had any intention of attacking Japan or of
20 threatening to do so, it is submitted that the de-
21 fense have proved too much by their statistics and
22 have clearly shown the aggressive nature of Japan's
23 naval preparations. By their own figures they have

24 F-61.

j. Ex. 3003A,
T. 26646-8

F-62.

a. Ex. 3003A, T. 26646-8
b. Ex. 3003B, T. 26649-50

1 shown that as of December 7, 1941, in total offensive
2 weapons, covering aircraft carriers, battleships and
3 heavy cruisers, which the Japanese have named as
4 the offensive naval weapons in the order named, Japan
5 had a superiority of 10 to 8 in aircraft carriers,
6 the primary offensive weapon, the United States had
7 superiority in battleships of 17 to 10 and there was
8 equality in heavy cruisers. This, however, is based
9 on the assumption that total United States power was
10 available for use against Japan in the Pacific. It
11 is commonly known that the United States faces on two
12 oceans and has two coasts to defend. If its offensive
13 fleet had been equally divided between the Atlantic
14 and Pacific, Japan would have had superiority in
15 the Pacific in aircraft carriers in a ratio of 5 to
16 2, in battleships of 10 to 8-1/2 and in heavy cruisers
17 of 2 to 1. In fact, it is well known to everyone that
18 in December 1941, the greater part of the United States
19 fleet was in the Atlantic performing patrol and convoy
20 duties. At the time of Pearl Harbor, the United States
21 had only 3 aircraft carriers in the Pacific.^{c.}

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25 F-62.

c. Ex. 1249, T. 11, 185

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As will be seen later, the Japanese knew exactly what part of the United States fleet was in the Pacific. It is, therefore, completely meaningless to attempt to deduce from comparative statistics of the total fleet offensive power of the two nations that Japan built up its navy in self-defense against the United States and not in preparation for aggressive war. Likewise, the figures on vessels under construction are misleading, because it is also well known that the United States was then constructing, in addition to vessels for itself, vessels for other countries then engaged in war with Hitlerite Germany. In this connection, it may be well to point out the obvious fact that the United States did not start any armament race with Japan. It was Japan that refused to consider the limitation of naval armaments except on her own terms. The United States did not begin to build beyond the Washington treaty limits until Japan had repudiated those limits and begun to build. The great bulk of American naval construction came only after Europe was at war and the United States was rendering aid to Britain and the Soviet, and was itself in imminent danger of becoming involved in that war. In fact, when Japan entered on her naval building program, her own "Guidance of Public Opinion on 1935 London Naval

Conference" shows that she did not expect a ship construction race.^{d.}

F-63. Although a comparative study of the Japanese and American fleets in no way invalidates the prosecution's contention but on the contrary strengthens it, it is submitted that such a comparison is completely irrelevant and immaterial. Regardless of the inference that might be drawn from such comparison if the evidence on Japanese naval expansion existed in isolation, it must be remembered that that naval expansion was not an isolated phenomenon. At the same time, the country was being economically prepared for war and the army was being expanded and trained for war. It is absurd to contend that the expansion of the navy was not for the purposes of aggressive war but for self-defense, when it occurred at the same time as the army was expanding and preparing for aggressive war and the entire national economy was being mobilized for and geared to aggressive war, all pursuant to plans for Japan's oversea expansion. The naval expansion was an integral part of the entire picture and cannot be separated from it. That it was to be used for aggressive war will become even more clear when we consider other phases of the evidence.

(F-62. d. Ex. 912A, T. 9225.)

(b) FORTIFICATION OF THE MANDATED ISLANDS.

1 F-64. That the expansion of Japan's navy was
2 for purpose of aggressive war is well evidenced by the
3 fact that she illegally fortified the mandated islands.
4 Here, there can be no contention that this was done
5 in self-defense, since Japan had no right to fortify
6 them even for self-defense, but on the contrary, was
7 under an obligation not to fortify them. Article
8 22 of the Covenant of the League of Nations, to which
9 Japan was a party, provided that there could not be
10 fortifications or military and naval bases on mandates. a
11 The grant of the mandate on December 17, 1920, to
12 Japan and the latter's acceptance provided that no mili-
13 tary bases should be established or fortifications
14 erected in the Territory. b.
15 By Treaty of February 11,
16 1922, the United States recognized the mandate given
17 to Japan, and the latter agreed that the United States
18 and its nationals should receive all the benefits of
19 Japan's engagements in the mandate, including the usual
20 comity in visiting the harbors and waters of the
21 Mandated Islands. c.

22 F-65. Notwithstanding its firm commitment
23 not to fortify the islands or to create military and
24 naval bases there, the Japanese in preparation for war
25

(F-64. a. Ex. 23, T. 9081-3

b. Ex. 29, T. 9084

c. Ex. 29, T. 9084-6)

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(F-64. a. Ex. 23, T. 9081-3

b. Ex. 29, T. 9084

c. Ex. 29, T. 9084-6)

1 did all that was forbidden. As early as January 20,
2 1937, the Privy Council in a meeting attended by
3 HIRANUMA and HIROTA approved a decision to enable Naval
4 Officers to be appointed as administrators of the South
5 Seas Islands. This decision stated that it was nec-
6 essary to be able to specially appoint naval officers
7 as administrative officials in charge of transporta-
8 tion and communication, in view of the fact that the
9 South Seas had come to hold an important position in
10 Japan's national defense and because there were many
11 installations concerned with navigation routes, harbors,
12 roads, aviation and communications of the archipelagos,
13 requiring a special consideration of the archipelagos
14 with respect to the convenience and military circum-
15 stances of the navy.^{a.} It is submitted that this lan-
16 guage makes it clear that fortifications and bases were
17 being established which made it necessary to have naval
18 supervisors.

19 F-66. The evidence also shows that after
20 1932, and particularly after 1936, military and naval
21 works of all kinds were constructed on an extensive
22 scale at many suitable strategic points. Gun emplace-
23 ments were made; airstrips, signal and wireless stations
24 and searchlights were installed; concrete trenches and
25 (F-65. a. Ex. 909-A, T. 9158A-E)

bomb shelters were constructed; large underground tanks were made for the storage of provisions, oil and ammunition; and barracks were constructed for the accommodation of naval and military troops. The evidence shows that these works were carried out on Saipan, a. Marcus, b. Peililiu, c. Ponape, d. Moen in Truk Atoll, e. Mor, f. Pisemeu, g. Babelthuap, h. Uruethapel, i. Koror, j. Uman, k. l. Otta, m. Salat, n. Tol (Truk), o. Fefan, p. Dublan, q. Eten, r. Wotje, s. Imej, t. Tarawa, u. Rita, v. Mille, w. Jaluit, x. Eniwetok and other islands.

F-67. The evidence which establishes these facts was given in the depositions of twenty-five residents of the islands. The defense contends that these depositions should not be believed because the natives have poor mental faculties and are uneducated and untrustworthy.^{a.} There is no evidence that the natives of these islands have less innate intelligence and less (F-66.

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| a. Ex. 883-891 incl.; | 1. Ex. 897, T. 9122,5. |
| T. 9090-9100; | m. Ex. 897, T. 9122,5. |
| Ex. 893, T. 9103-4. | n. Ex. 898, T. 9126-7. |
| b. Ex. 891, T. 9099- | o. Ex. 899, T. 9128-9. |
| 9100. | p. Ex. 900, T. 9130-1. |
| c. Ex. 892, T. 9101; | q. Ex. 900, T. 9131. |
| Ex. 896, T. 9119-21. | r. Ex. 901, T. 9132-3. |
| d. Ex. 893, T. 9103. | s. Ex. 902, T. 9134. |
| e. Ex. 893, T. 9105-8. | t. Ex. 903, T. 9135-6. |
| f. Ex. 894, T. 9111. | u. Ex. 904, T. 9136-7. |
| g. Ex. 894, T. 9111. | v. Ex. 904, T. 9136; |
| h. Ex. 895, T. 9112-3. | Ex. 907, T. 9139. |
| i. Ex. 895, T. 9113-5. | w. Ex. 904, T. 9136. |
| j. Ex. 896, T. 9116-9. | x. Ex. 905, T. 9137; |
| k. Ex. 897, T. 9121-4. | Ex. 906, T. 9138.) |

(F-67. a. Ex. 2994, T. 26506.)

acute powers of observation than the Japanese, and there
1 is evidence from the depositions that many of them were
2 educated, some even in Japan, and that some held trusted
3 positions among the Japanese. In so far as their trust-
4 worthiness is concerned, the prosecution submits that
5 matter to the Tribunal for such findings as it may
6 make after hearing the witnesses for the defense. If
7 trustworthiness is to be defined in terms of the naivete
8 and directness with which the deponents told their
9 story in comparison with the evasiveness of the defense
10 witnesses, then the prosecution would have to concede
11 that these deponents are untrustworthy. It is interest-
12 ing to note that, stripped of its evasions and camou-
13 flaging explanations, the defense evidence corroborates
14 that of the natives. For example, defense witness
15 YOSHIDA testified that when the South Seas Bureau
16 asked for naval aid in operating aerial facilities
17 to facilitate shipwreck rescue work and to assist
18 fishermen in locating fish, the navy, since the work
19 dealt with airfields which could be converted into
20 military aids in the event of war, made a study to
21 decide whether their aid could be construed as contrary
22 to treaty. Having concluded that the immediate use was
23 purely cultural and that the installations could not
24 be criticized as purely military installations, the
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1 navy gave the necessary aid, beginning as early as
2 1934.^{b.} There is no testimony of what cultural bene-
3 fits the uneducated, poorly mentally equipped, and un-
4 trustworthy natives were to and did receive, and there
5 has been given no explanation why the natives who had
6 been fishing in the teeming waters of the Pacific for
7 untold generations needed airplanes to help them locate
8 fish. The language employed by YOSHIDA shows clearly
9 that the navy was well aware that the airfields had
10 potential if not immediate military use. This testi-
11 mony is another excellent example, with which this
12 case is replete, of the ability of the Japanese leaders
13 to even delude themselves. Whenever they were faced
14 with a problem involving action known to be absolutely
15 illegal, if a reason, no matter how specious, could be
16 found to justify the legality of the action, it was
17 immediately adopted and the action carried out. Sim-
18 ilarly YOSHIDA's testimony showed that the navy devel-
19 oped the harbors and installed wireless equipment, and
20 he explained why there were all kinds of militarily
21 necessary aids, oil tanks and barracks. He even ad-
22 mitted that there were gun emplacements and guns on the
23 islands, but explained that the guns were left there as
24 useless after maneuvers. He did admit that after
25 (F-67. b. Ex. 2990, T. 26470.)

November 5, 1941, Japan constructed defense works on

^{c.}
the mandate. The witness SUZUKI testified that he
never saw any military fortifications that might be
classified as military installations. ^{d.} It should be
noted he did not testify that he never saw things that
could be used as military installations or easily converted thereto.

F-68. The testimony of the natives is well
corroborated and supplemented by documentary evidence.
In February 1944, the American forces captured the
Japanese blue-print map of Wotje, dated August 10, 1940. ^{a.}
This map showed a completely fortified and well equipped
island as a fortress and naval base. ^{b.} Defense witness
IWASAKI testified that this was only a planning map
and not an execution map. ^{c.} The purpose of this testimony was to show that the island was not fortified by
August 10, 1940. The exact date of fortification is
unimportant. In fact, Japan had no right under the mandate to fortify the islands even after hostilities had
opened. Moreover, IWASAKI testified that it would take
three to five months concentrated work to construct the

(F-67. ^{c.} Ex. 2990, T. 26473-7.
^{d.} Ex. 2995, T. 26512.)

(F-68. ^{a.} Ex. 1253C, T. 11199-11200.
^{b.} Ex. 1249, T. 11200.
^{c.} Ex. 2997, T. 26524-6.)

1 projects shown on the map. Aerial photographs taken
2 of the island in January 1942 also showed it to be a
3 completely equipped fortress and naval base.^{d.} Even if
4 the project were completed in the minimum time stated
5 by the defense, it was begun somewhat before November 5,
6 1941, the time in which the defense admitted construc-
7 tion was begun. Furthermore, Combined Fleet Top Secret
8 Order No. 1 showed that in the operations against the
9 United States, Britain and The Netherlands, the mandated
10 islands were to be used in connection with the operations,
11 and naval supply bases were allotted on Saipan, Kwaja-
12 lein, Wotje, Jaluit, Tarawa, Truk, Ponape and Palau,
13 being more than half of all the allotted bases. It
14 also contained particulars of initial and replenishment
15 allowances of fuel, ammunition and food.^{e.} By a process
16 of word juggling and an explanation of the limited
17 definition given by the Japanese to the phrase "naval
18 base", defense witness YOSHIDA contended that these
19 were not naval bases. The prosecution is content to
20 rest on the assurance of Admiral Richardson, one of
21 the highest officers in the United States Navy, that the
22 word "base" is accurately applied, and that the mater-
23 ials, quantities and areas involved indicate that the
24 (F-68. d. Ex. 1253 A and B, T. 11199-200.
25 e. Ex. 1252, T. 11191-8.)

bases and their equipment had been put there on a
1 large scale over a long time.^{f.} Another captured
2 document written in 1942 stated that ever since the
3 territory became a mandate the government had antici-
4 pated "what it would be today."^{g.}

5 F-69. If there were no other evidence at all,
6 the secrecy that Japan maintained with respect to
7 the islands would be sufficient to allow for an infer-
8 ence that the islands were being fortified. The cor-
9 respondence of the N.Y.K. line showed that since March
10 1933, under secret instructions from the South Seas
11 Government Office and the Navy and Foreign Ministries,
12 the line refused to carry non-Japanese nationals. This
13 policy was confirmed many times and continued until
14 1941. False reasons were given for refusing to carry
15 passengers and strict precautions were taken to insure
16 secrecy.^{a.} The correspondence between Secretary Hull
17 and Ambassador Grew in mid-1936 showed Grew's unsuc-
18 cessful efforts to obtain an invitation for the U. S.
19 destroyer "Alden" to visit the islands, notwithstanding
20 that it was pointed out that an invitation would serve
21 to remove the suspicion that Japan was illegally forti-
22 fying the islands.^{b.}

23 (F-68. f. Ex. 1249, T. 11197. (F-69. a. Ex. 908, T. 9142-
24 g. Ex. 809, p. 31.) 9153.
25 b. Ex. 58, T. 9154-
9158.)

(c) STRATEGIC AND TACTICAL PLANNING AND
PREPARATION FOR WAR.

F-70. The evidence considered in connection with the preparation of the army for war also serves to establish the existence of naval strategic plans and need not be specially considered here. With respect to the operational plan finally used against Pearl Harbor, the plan, according to NAGANO, was conceived by YAMAMOTO early in January 1941, and was worked out by operation officers beginning in September 1941.^{a.} Defense witness MIYO testified that around May 1941, the Combined Fleet submitted to the General Staff a plan of operations based on the assumption that the United States fleet would be at Hawaii and Japan could deal an initial blow through air raids by carrier-borne planes. In September, he and his colleagues received orders from their superiors to begin preparing to formulate plans of operations against the United States, Britain and Holland.^{b.} During August 1941, a large number of war games was held, and between September 2 and September 13, 1941, the final war games were held in Tokyo. These games had two problems; the working out of a naval air strike at Pearl Harbor and the

(F-70. a. Ex. 1249, T. 11229-30.
b. Ex. 3007, T. 26710-14.)

1 establishment of a schedule of operations for the occu-
2 pation of Malaya, Burma, Netherlands East Indies, Phil-
3 ippines, Solomons and Central Pacific Islands, includ-
4 ing Hawaii. By November 1, 1941, the final text of
5 Combined Fleet Secret Operation Order No. 1 with plans
6 and schedules for the attacks on British, American and
7 Dutch possessions had been agreed on and printed.^{c.} Of
8 course, the fact that the final operation plan was not
9 worked out until November 1 does not mean that the
10 plan was not in furtherance of the conspiracy. It was
11 prepared in sufficient time to be available when it
12 was actually needed. On November 5, 1941, the order
13 was issued putting the plan into effect, and on Novem-
14 ber 7, 1941, Y-Day - the day the plan was to become
15 effective - was fixed for December 8, 1941.^{d.}
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21 (F-70. c. Ex. 809, T. 9255-6.
22 d. T. 1232-4.)
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F-71. Other special problems were also worked

1 out For several months previous to Pearl Harbor,
2 preparations were secretly made for the midset sub-
3 marine raid on Pearl Harbor and the men carried out
4 difficult, secret training so that there would be no
5 error.^{a.} Aerial torpedoes were perfected, and in
6 October, studies were continued on the use of torpedoes
7 in an even more shallow water approach than had pre-
8 viously been studied, in order to ensure success of
9 the attack on Pearl Harbor.^{b.}

10 F-72. The Japanese navy also carried out an
11 extended program of espionage and reconnaissance in
12 preparation for war. In January 1941, aerial photo-
13 graphs of Kota Bahru were made, and additional hydro-
14 graphic mapping was completed in July 1941.^{a.} Between
15 1931 and 1941, the Japanese navy was engaged in sur-
16 veillance, reconnaissance and espionage with respect
17 to the United States Navy. The Naval Court of In-
18 quiry on Pearl Harbor found that Japan's espionage
19 system used civilian, consular and diplomatic officials
20 and was constantly informed of United States naval
21 building and of the location and movement of her vessels.^b

22 (F-71. a. Ex. 809, T. 9259-60.
23 b. Ex. 3007, T. 26721-2.)
24 (F-72. a. Ex. 809, T. 9257.
25 b. Ex. 1249, T. 11203.)

1 The Navy and Foreign Office conducted extensive es-
2 pionage at Honolulu through the Consul-General and
3 his 200 agents, as evidenced by the messages between
4 the Consul-General and the Foreign Office and the
5 Navy.
6 c.

7 F-73. Japan's entire naval program from the
8 beginning of its efforts to free itself from the re-
9 strictions of the treaty system to the final develop-
10 ment of a powerful navy was designed principally for
11 use in war against the United States. The immediate
12 result was, as stated by Admiral Richardson, that
13 Japan was able to assemble and send to attack Pearl
14 Harbor one of the most powerful task forces ever
15 assembled up to that time with overwhelming carrier
16 airforce supremacy.
17 a.

18 3. PSYCHOLOGICAL PREPARATION OF THE NATION
19 FOR WAR.

20 F-74. To enable the programs for economic
21 and military and naval preparation to be satisfactorily
22 and adequately carried out and to be effectively used
23 in accordance with the plans of the conspirators, it was
24 necessary to prepare the Japanese people psychological-
25 ly for war, so that they might feel it to be necessary
and even come to desire it. This mission was

(F-72. c. Ex. 1254-1264, T. 11204-25.)
(F-73. a. Ex. 1249, T. 11186.)

1 accomplished through instruction in the schools, through
2 use and control of all known media of propaganda, and
3 through the mobilization of the people into a single
4 organization for purposes of propaganda and control.

5 If the Court please, Mr. Lopez will continue
6 from here.

7 THE PRESIDENT: Mr. Lopez.

8 MR. LOPEZ: a. MILITARIZATION OF EDUCATION.

9 F-75. The militarization of education was a
10 relatively easy matter for the conspirators, since
11 the military already had a strongly entrenched posi-
12 tion in the school system of Japan. As early as 1886,
13 military training and lectures had been formally in-
14 stituted in the elementary, secondary and normal schools.
15 In 1925, it was provided that officers of active status
16 were to be stationed at all normal, middle and indus-
17 trial schools and colleges and at private schools, if
18 requested, to give military training to all male
19 students.

20 b. From that time, Military training had been
21 compulsory for students of middle, normal and high
22 schools.

23 c. From 1927 on, military training was taught
24 on the volunteer basis by army officers in the univer-

25 d. Having been introduced into the school system

(F-75. a. T. 881-2.

b. Ex. 132, T. 1007.

c. T. 883.

d. Ex. 130, T. 941.)

as instructors in military science, the military officers came to play a larger and larger role. According to Dr. TAKIKAWA, presently Dean of the Kyoto University Law School, the influence of these officers became more dominant gradually and they had more to say about the operation of the University. After the Manchurian and China Incidents they gained more influence with the result that the university eventually came under their control.^{e.} Although the Ordinance authorizing their appointment specifically stated that these officers were to obey and be under the orders of the heads of the schools,^{f.} according to MAEDA, who as Minister of Education in 1945 had a survey made of the Japanese schools, these army officers had taken over the school system even before the China Incident, and following that event, their control became so absolute that they instructed the heads of schools on how the courses and the administration of the school should be conducted. They impressed the regular school authorities that the power of the army was behind them and dictated to the school director who had to obey them.^{g.} The only defense to this is the statement of YOSHIDA that the officers were not authorized to do this and that he did

(F-75. e. Lx. 131, T. 990-1.
f. Lx. 132, T. 1007-8.
g. Lx. 140, T. 1037-8.)

not believe that they could have done it. ^{h.} He, however, in no way attempted to say that they had not done it.

F-76. The officers in the schools were under the War Ministry. A section in charge of military training in schools was established in the War Ministry, and major generals of divisions were placed in charge of school training. ^{a.} From September 1926, there was a system of inspection and reporting. ^{b.} The War Ministry held itself responsible for inspection and authorization of training. On matters of common interest to both the Education and War Ministers, the former issued proper orders after coming to agreement with the latter. ^{c.} However, the control exercised by the army over the schools through the presence of the officers and through the War Minister was insufficient for army purposes, and the army, following the China Incident, decided to take over the schools. To accomplish this, in May 1938, ARAKI, a former general and War Minister, whom the evidence has shown to be one of the leading chauvinistic rabble-rousers in Japan, became Education Minister. ^{d.}

(F-75. h. T. 18481-2.)

(F-76. a. Ex. 2377, T. 18454.

b. Ex. 132, T. 1007-9.

c. Ex. 2377, T. 18454-5.

d. Ex. 103, T. 688-9.)

F-77. The military training given was not limited to close-order drill and gymnastics, but included conditioning marches, maneuvers over open terrain, nomenclature and handling of weapons up to the light machine gun, and military lectures.^{e.} Colonel Nugent, who taught in Japanese schools from March 1938 to March 1941, testified that during that period there were perceptible increases in the amount of time devoted to conditioning marches and maneuvers which included maneuvers in open terrain, street fighting, bayonet drill and the firing of weapons.^{b.} According to defense witness YOSHIDA, after 1936 individual students in high schools and universities could receive training over and above the compulsory training in heavy weapons, tanks and aviation.^{c.} In addition, the military officers gave lectures to the students in which they taught that the Japanese were superior, that war was productive, that it was Japan's destiny to rule the Far East and then the world, and that the nation's progress required the students to be prepared for war.^{d.} The compulsory system was extended to the universities. Even while the system had been on a volunteer basis,

(F-77. a. T. 823.
b. T. 826.
c. Ex. 2377, T. 18456.
d. Ex. 130, T. 943.)

students were, in fact, compelled to attend by ridicule,^{e.} by inducements by way of reduction of the term of service in the army,^{f.} and by having the right to enter officers' training school conditioned on having taken the military courses in the university.^{g.} In September 1939, military drill with rifle practice was made compulsory in the universities.^{h.} In September 1941, there was introduced a new curriculum for military training.^{i.}

F-78. According to defense witness YOSHIDA, prior to 1941 military drill -- separated from gymnastics in 1939 -- in middle schools took two to three hours alone, and in colleges and high schools one and one-half hours, and in addition, there were four to six days annually of field training. In 1941, this was amended so that middle schools were taught 70 to 100 hours a year with four or five days field training depending on grade; high school and colleges 60 to 70 hours and seven days in the field; and universities 60 hours and seven days in the field.^{a.} It should be noted that the statistics for the years prior to 1941 are for military drill only and that the statistics for the period after 1941 show that, exclusive of field

(F-77. e. T. 999-1000. (F-78. a. Ex. 2377,
f. Ex. 130, T. 942. T. 18455-6.)
g. Ex. 2378, T. 18540.
h. T. 889; Ex. 2377, T. 18462-3.
i. T. 890; Ex. 2377, T. 18456.)

1 work, there was devoted to direct military training a
2 period equivalent to or in some cases in excess of
3 that devoted to the usual academic course. While the
4 defense contends that this was not an excessive period
5 of time to devote to this subject, it must be remembered
6 that direct military training was only one part of the
7 teaching of students in preparation for war. In fact
8 it was a relatively small part. Much more time was
9 spent in militarizing the minds of the students through
10 methods of instruction and teaching materials used for
11 the principal academic subjects which lend themselves
12 readily to such instruction, such as history, civics,
13 geography and ethics.

14 F-79. Even before the Manchurian Incident,
15 students had been taught that Manchuria was the life-
16 line of Japan and that control of Manchuria was neces-
17 sary to establish a stable economic order. After 1936,
18 textbooks -- devoted to Japan's wars and battles --
19 were used to inculcate patriotism. In 1937, when
20 KIDO was Education Minister, the Educational Council
21 was established to renovate the educational system of
22 Japan. While changes in subjects did not come until
23 1940 and in textbooks until 1941, the effects of the
24 deliberations of the Council, according to the witness
25 (F-79. a. Ex. 143, T. 1102-3.)

KAIGO, was felt from 1937 on, for education was based on the idea of promoting the patriotic feeling of the nation. In this teaching, the supremacy of Japan was stressed and the students were taught that Japan was strong and must show her special characteristics to the world.^{b.}

According to IKESHIMA, after the China Incident, students were indoctrinated with militaristic thoughts under the supervision of the military.^{c.} In June 1938, the Education Ministry under ARAKI issued instructions that the students must be made to realize how great and important their duties were to the State.^{d.}

F-80. This mission was well executed. Colonel Nugent, basing his statements on his own experience as a teacher in Japan from 1938 to 1941 and the comprehensive study of the Japanese educational system made by the Civil Information and Education Section of SCAP under his direction, testified that the teachings in the Japanese schools inculcated ultra-nationalism, aggressive militarism, blind devotion to authority, belief in Japan's ambition to be dominant in Asia, belief in Japan's superiority and divine mission, and belief in the necessity of military aggression if necessary to accomplish that mission.^{e.} KAIGO corroborated

(F-79. b. T. 892-7.
c. Ex. 143, T. 1103.
d. Ex. 138, T. 1020.)
(F-80. a. T. 830-6.)

1 this by pointing out that the teaching of Japan's
 2 supremacy was very effective.^{b.} TAKIKAWA described
 3 Japanese education in this period as devoid of free
 4 thought and liberal ideas, devoted to justifying ag-
 5 gressive war in Manchuria and China and to teaching
 6 that war was glorious and productive, that Japan's
 7 future greatness was dependent on it, and that Japan
 8 should have contempt for other races and hatred for
 9 potential enemies.^{c.} From early 1941, the students were
 10 taught that the failure of the Japanese army to conquer
 11 China was because the United States and Britain had
 12 aided China, and that the great enemy of Japan was not
 13 China but those countries.^{d.} The new textbooks intro-
 14 duced taught Japan's superiority, so confusing fact with
 15 mystery and legend and containing so much admiration
 16 and homage to military officers and the idea of absolute
 17 subjection of the individual in favor of the state that
 18 they were destroyed at the order of the witness MAEDA in
 19 1945.^{e.} An excellent example of the materials taught
 20 is to be found in the book "Way of the Subject," put out
 21 by the Education Ministry in March 1941 to be read by
 22 teachers, students and the people at large, which set
 23 forth all propaganda statements with respect to Japan's
 24 activities.^{f.}
 25

(F-80. b. T. 902-3.

c. Ex. 131, T. 992.

d. Ex. 143, T. 1103.

e. Ex. 140, T. 1037.

f. Ex. 141, T. 1047-64.)

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1 F-81. Any opposition to the program of the
2 militarization of the schools was ruthlessly crushed.
3 According to OUCHI, failure to cooperate fully brought
4 dismissal or imprisonment, and all expressions in favor
5 of peace or in opposition to preparations for aggressive
6 warfare were rigidly suppressed in both students and
7 teachers. In 1937, Professor YANIHARA, after KIDO had
8 demanded his dismissal because he had written an article
9 on peace, was compelled to resign from Tokyo Imperial.
10 In 1937, OUCHI, seven other professors and certain
11 assistant professors were dismissed as sympathetic to
12 peace, and all were arrested. Despite the fact that
13 OUCHI was acquitted in 1940, he was not reinstated
14 until October 1945.^{a.}

15 F-82. To reach those outside the school
16 system, military instruction was introduced into the
17 Young Men's Training Institutes or Youth Schools which
18 had been set up for young men of the laboring classes
19 who were unable to go to other schools.^{a.} In August
20 1935, the War Minister was authorized to send active
21 officers to inspect military drill courses and courses
22 corresponding thereto in schools.^{b.} The regulation of
23 (F-81. a. Ex. 130, T. 944-6.
24 F-82. a. T. 18473.
25 b. Ex. 134, T. 1018.)

the school provided that in the training given in these schools there was to be not less than 100 hours for morals and civics, 100 for military training, 200 for the ordinary course and 100 for the vocational courses.^{c.} In 1937 all young workers were compelled to attend these Youth Schools and effective measures were taken in 1939^{d.} to enforce attendance.

b. Control and Dissemination of Propaganda.

F-83. The conspirators were fully aware of the value of propaganda to their cause and utilized and controlled the use of all media of expression and persuasion. The technique had been tried earlier. Beginning in 1930, the militarists gave out propaganda to the newspapers to establish the idea that Manchuria was Japan's lifeline and that a stronger policy was needed. Upon instructions from the military, all editorial writers, ultra-nationalist speakers and writers united to establish public opinion for more aggressive action in Manchuria. From a policy of encouraging those in favor of the move, in 1931 the program was changed to one of suppressing the opponents. Following the incident, the government and army sought to justify the incident and offset criticism. The War Ministry (F-82. c. Ex. 133, T. 1017. d. T. 18473-4.)

a.
began to censor the newspapers.

1 F-84. Well aware of the value of propaganda
2 for carrying out their conspiracy, one of the first
3 acts of the conspirators in preparing the nation for
4 war was to adopt and put into effect a propaganda
5 plan. As early as May 1936, the War Ministry had adopted
6 a secret plan, entitled "Outline of Program Concerning
7 Intelligence and Propaganda Activities." The plan
8 described activities essential for general mobilization
9 before the outbreak and at the initial phase of the
10 war. It provided that each ministry should establish
11 local intelligence and propaganda organs in every
12 prefecture which would be admirably adapted to
13 espionage on the people as well as to propaganda. This
14 would be bolstered by organizing into a powerful
15 organization all political, social, cultural, religious,
16 labor, youth and business organizations which could
17 conveniently suppress opposition to government propa-
18 ganda. So that the government could rear and guide
19 them, press, radio, cinema, publications, drama,
20 musical and art societies were to be organized. All
21 types of media were to be used for propaganda, including
22 organizations, schools, research institutes, press,
23 communications, books, magazines and related materials,
24 (F-83, a. Ex. 140, T. 1029-33.)
25

1 the theater, music, pictures and other fine arts,
2 exhibits and lectures. As a guiding policy, the govern-
3 ment officials were to have close connection with and
4 to supervise internationally-connected organizations
5 and foreigners and were to bribe and watch them.
6 Christian and other foreign religious bodies were to
7 be used for propaganda purposes, and oppression was
8 to be suitably applied. In neutral countries, the
9 Japanese were to become intimate with important persons
10 and organizations and buy them off. These were to
11 include educational leaders, newspaper and cinema com-
12 panies and artists. It also provided for an intelli-
13 gen^{a.}ce bureau.

14 F-85. The plan was immediately put into
15 effect. According to the witness ITO, who headed it,
16 the Bureau of Information was established in 1936 so
17 that propaganda might properly be disseminated from a
18 central organ.^{a.} In 1940, the bureau was succeeded by
19 the Board of Information, a separate government office
20 having full power to disseminate propaganda for all
21 ministries, but which was partly reserved to the War
22 and Navy Ministers for peculiarly military propaganda.^{b.}
23 In January 1941, all publishers, book distributors and
24 (F-84. a. Ex. 151, T. 1245-6.
25 F-85. a. Ex. 142, T. 1080.
b. Ex. 142, T. 1080.)

1 newspapers were organized into their respective leagues
2 and associations, and, according to ITO, it was cus-
3 tomary for their leaders to counsel with the president
4 of the Board of Information before electing officials
5 and to receive his approval and suggestions. The Board
6 cleared all propaganda and disseminated it. The pro-
7 paganda followed the government line, justified Japan's
8 position and fostered animosity toward potential enemies.
9 To keep advised, the president had the right to sit in
10 at all cabinet meetings.^{c.} In addition to the board,
11 the War Ministry issued directly inflammatory propaganda
12 to prepare the people for war against the United States
13 and Britain.^{d.} The basic propaganda issued by the board
14 was that Japan intended to construct a new order in
15 East Asia.^{e.}

16 F-86. Motion pictures were also used as a
17 medium of propaganda and were made on order of the
18 War and Navy Ministers and the Bureau of Information.
19 Numerous propaganda films were made, according to NAKAI,
20 a producer, to justify Japan's position and to prepare
21 the people for further military aggression. Pictures
22 like "The Holy War," depicting Japan's holy duty to
23 rescue China from poverty and disorder, were made and
24

25 (F-85. c. Ex. 142, T. 1080-2.
d. Ex. 142, T. 1082.
e. T. 1093-4.)

issued. Others glorified military life, Emperor worship,
the superiority of Japan and her divine mission to rule
the Far East and ultimately the world.^{a.} Another
picture issued for propaganda purposes and shown in
most of the schools of Japan was entitled "The Critical
Period of Japan," which was made under the supervision
of the War Ministry. It illustrated a speech made by
War Minister ARAKI.^{b.} The speech stated that Japan was
established by God's will as a divine country, that the
Manchurian Incident was a revelation from heaven, and
that Japan was to continue eternally and to develop
endlessly in space, and accompanying the speech is a
picture, seen by the Tribunal, which emphasized the
weak spots which the military saw in Japanese life and
included shots of American warships and portrayed Japan's
crisis in the Pacific.^{c.}

F-87. Even picture cards or Kamishibai, which
traditionally were used mostly for the entertainment
of children, were utilized to spread inflammatory
ideas. According to SAKI, following the China Incident,
the illustrated stories became more ultranationalistic,
and sets were manufactured on orders from the government.
In July 1941, on order from the IRAA, he made a set

(F-86. a. Ex. 147, T. 1159-60.
b. Ex. 148, T. 1175-6; 1215.
c. Exs. 148, 149, T. 1212, T. 3155-89.)

entitled "Japan Is Now Fighting," which preached that
China was not the real enemy and that Japan, Germany^{a.}
and Italy would fight the United States and Britain.

F-88. Radio propaganda was carried out by
the Japan Broadcasting Company, which was controlled
by the Communications Ministry. The government policy
was to have officials make policy broadcasts. This
device was used mostly by the War Ministry, which
continuously tried to explain and justify Japan's posi-
tion in China. This outlet was particularly effective,
since the people could not own shortwave sets and there
was only one broadcasting company. From 1940 on,
the Board of Information controlled the release of^{a.}
information and its method of treatment in broadcasts.

F-89. Even old established social relation-
ships were exploited to further the propaganda campaign,
and advantage was taken of the traditional family and
neighborhood ties of the people. In the latter part
of 1940, the neighborhood group movement was revived,
according to KOIZUMI, a former chief of police, to
advise the people of government policy and to make them^{a.}
war conscious.

(F-87. a. Ex. 144, T. 1117-8; Ex. 145.

F-88. a. Ex. 143, T. 1104-5.

F-89. a. Ex. 152, T. 1265.)

1 F-90. While carrying on a propaganda com-
2 paign for the dissemination of information deemed
3 necessary to prepare the people for war, at the same
4 time the Japanese Government maintained heavy censor-
5 ship to prevent the spread of conflicting information.
6 The witness OGATA, formerly with the Asahi and President
7 of the Information Board under KOISO, testified that
8 while freedom of the press was always limited in
9 Japan, censorship became particularly noticeable
10 immediately preceding the Manchurian Incident, when
11 newspapers were required to submit copy to the Home
12 Ministry for censoring. After the incident, only
13 materials on military matters approved by the Police
14 Bureau of the Home Ministry could be printed. In
15 1939, censorship became so strict that the Asahi set
16 up a censorship section to handle the numerous Home
17 Ministry bans. Prior to December 1941, instructions
18 were often received from the theaters of war on how
19 to treat specific military information.^{a.} SUZUKI,
20 another newspaper man, testified that after 1935 the
21 newspapers were completely under government control
22 and domination and were permitted to print only
23 political items which were issued. Besides using
24 the censorship laws, the Home Ministry would issue

1 bans on news items that the officials wanted with-
2 held from the public and would instruct how news
3 items should be treated. It was the practice of the
4 army, navy and Foreign Office to issue instructions as
5 to what materials should be published and the manner
6 of publication. ^{b.} In January, 1941, an order pro-
7 hibiting the publication of government secrets on
8 general mobilization, military secrets and military
9 resources secrets in newspapers and other publica-
10 tions was issued and the Premier was given authority
11 to restrict or prohibit publication of news which
12 might hinder the conduct of foreign affairs, financial
13 affairs and national policy. Violations were to be
14 punished by prohibiting sale and seizure. ^{c.}

15
16 F-91. In 1939, the Motion Picture Censor-
17 ship Law was enacted which provided a system of
18 licensing for producing and distributing pictures and
19 that a competent minister should recommend pictures
20 which would contribute to advancing national culture
21 and authorize production and distribution. ^{a.} NAKAI
22 testified that after the China hostilities it was
23 impossible to obtain Japanese production which were
24 not ultra-nationalistic or militaristic, and after

25 F-90. b. Ex. 150, T. 1219-20. c. Ex. 154, T. 1315-6.
F-91. a. Ex. 155, T. 1316.

1940, American films were restricted.^{b.} In 1940,
 1 the Ministry of Education ruled that only pictures
 2 approved by it could be shown in Japan, and of the
 3 306 documentary films it approved, 110 were devoted to
 4 such topics as national defense and military sub-
 5 jects.^{c.} Permission to produce pictures had to be
 6 obtained from the Home Ministry, and the police
 7 could prohibit pictures contrary to government
 8 policy.^{d.}

10 F-92. Censorship often involved more than
 11 mere banning or refusal of permission to sell.
 12 According to MAEDA, after September 1931 any writer
 13 or newspaper printing anything deemed unsatisfactory
 14 by the War Ministry would be advised of military dis-
 15 favor. At first, this was done tactfully and gradually,
 16 but later they became stricter in suppressing liberals
 17 and teachers. The War Ministry also used several
 18 organizations of violence who threatened writers and
 19 teachers publishing anything deemed unfavorable to
 20 government and military policy.^{a.} The witness SUZUKI
 21 corroborated this testimony.^{b.}

23 F-93. The police in particular played a
 24 large role in suppressing opposition thought. The

25 F-91. b. Ex. 147, T. 1160; c. T. 1200-1;
 d. Ex. 72, T. 684; Ex. 152, T. 1264.
 F-92. a. Ex. 140, T. 1030-3; b. Ex. 150, T. 1219.

1 police were concerned with violations of the Public
2 Peace Law, Preservation of Peace Law, Military Secrets
3 and Military Resources Secrets Laws. They exercised
4 censorship over all publications and gatherings,
5 being particularly active in thought control. They
6 could prohibit and interrupt motion pictures, speeches
7 and even social activities not conducted according to
8 the program submitted in advance for their approval.
9 Violations brought arrest and punishment. The High
10 Police, organized in 1928, primarily watched anyone
11 opposed to government policy. After the China Incident,
12 anyone expressing his opposition was arrested and
13 imprisoned.^{a.}

14 F-94. The official work of the government
15 and its several organs to mold public opinion in favor
16 of war was ably seconded by the work of the so-called
17 Patriotic Societies to which many of the high leaders
18 of government and the army and other prominent and
19 influential figures belonged. We have already seen
20 the role played by the Sakurakai in connection with
21 the move to Manchuria. One of the better known of
22 these organizations was the Black Dragon Society
23 which had as its principle the expansion of the
24 empire and the development of the Asiatic people.

25 F-93. a. Ex. 152, T. 1262-5.

1 Founded in 1901 to promote anti-Russian and anti-
2 Korean agitation, it had promoted agitation on
3 every possible occasion in favor of Japan's expansion
4 and against China, the United States and disarmament.
5 It had been active in fomenting the Manchurian situa-
6 tion both before and after September 18, 1931.^{a.} The
7 Kokuhonsha Society, founded in 1920, had as its
8 president HIRANUMA and among its directors, ARAKI and
9 KOLSO. According to the official records of the
10 Japanese Government, its functions were to foster the
11 spirit of nationalism, bolster the foundation of the
12 state, work for the dissemination of learning and
13 morality and exalt the national spirit. From 1925
14 on it published the Foundation of the State Society
15 Magazine.^{b.} The Society of the Emperor JIMMU was
16 founded in 1932 by OKAWA and had as its platform the
17 furtherance of the spirit of the Empire and policies
18 peculiar to the country, aid to culture, the promotion
19 of the people's welfare, aspiration to the leadership
20 of the people of Asia, the achievement of the national-
21 ization of government and industry and the expansion
22 of national power abroad.^{c.} The Production Party of
23 Greater Japan, founded in 1931, had as its principle
24 the conduct of the affairs of the nation by means of
25

E-94. a. Ex. 164, T. 1636. b. Ex. 164, p. 3, T. 1636.
c. Ex. 164, T. 1636.

1 a Greater Japan Policy.^{d.} All of these organizations
2 and many similar ones carried on their work during the
3 period of preparation.^{e.}

4 THE PRESIDENT: We will recess for fifteen
5 minutes.

6 (Whereupon, at 1445, a recess was
7 taken until 1500, after which the proceedings
8 were resumed as follows:)

9 F-94. d. Ex. 164, p. 6, T. 1636.
10 e. Ex. 164, T. 1636.
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MARSHAL OF THE COURT: The International

Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Lopez.

MR. LOPEZ: If the Tribunal please, may I
resume?

c. MOBILIZATION OF THE PEOPLE FOR WAR

1 F-95. The 1936 propaganda and espionage plans
 2 of the army discussed before had provided that all
 3 political, social, cultural, religious, labor, youth
 4 and business organizations would be organized into a
 5 powerful organization which would be able to conveniently
 6 suppress opposition to government propaganda.^{a.} Pursuant
 7 to this part of the plan, on October 10, 1940, the
 8 Imperial Rule Assistance Association was established.^{b.}
 9 With the advent of this organization, all other
 10 political parties disappeared,^{c.} and the result was
 11 that it became the one and only important public
 12 organization. According to GOTO, one of its organizers
 13 and directors, it was controlled in its entirety by
 14 government officers who occupied high positions and
 15 was subsidized by government funds to the extent of
 16 8,000,000 yen a year.^{d.} The platform of the organization
 17 declared that the Japanese should become the moral
 18 leaders of the world and should strive for the establish-
 19 ment of a new world order.^{e.} The regulations of the
 20 organization specifically stated that, in accordance

22 F-95. a. Ex. 151, T. 1245-51
 23 " b. T. 1642
 24 " c. T. 1666-7
 25 " d. Ex. 166, T. 1640-1
 " e. T. 1641-2

with the policy of bringing about Hakko-Ichiu, Japan
aimed to become the ethical leader of a glorious world
and to establish a spiritually and physically united
national structure.^{f.}

F-96. The organization covered the entire
country. According to the regulations, a branch was
to be established in each prefecture, county or district,
city, town, village and ward. Liaison officials were
to be set up in each street, village and neighborhood
association to fully carry out the guidance program
of the I.R.A.A.^{a.} The organization thus reached each
prefecture, ward and street.^{b.} In this way, as stated
by defense witness ANDO, the I.R.A.A. conveyed to the
people the matters of policy which the various ministries
desired the people to practice and obtained the
people's understanding.^{c.} According to the regulations,
the policies which the people were to aid in carrying
out were cooperation in establishing the Greater East
Asia Co-Prosperity Sphere, the establishment of a new
order in the world, establishment of the IRAA political,
economic and cultural systems and a new system of living.^{d.}

F-95. f. Ex. 167, page 1; T. 1647

F-96. a. Ex. 167, T. 1674
b. Ex. 166, T. 1641
c. Ex. 2363, T. 18, 146-50
d. Ex. 167, T. 1674

To carry out its work the IRAA was completely organized into bureaus and divisions. There was a People's Movement Bureau, Training Division, Propaganda Division, Production Boosting Division, War-Time Life Division and an Asia Development General Headquarters. This latter organ was to popularize Asia development ideology, train persons for overseas duty and perform liaison between the Greater East Asia organizations.^{e.}

F-97. The defenses offered in rebuttal to this evidence are indeed peculiar. In the first place it is contended that the IRAA was a peaceful organization created to meet a mounting national crisis. In so contending, the defense completely overlooks the important fact that the crisis was one which the conspirators alone were responsible for bringing into being. To establish the peaceful character of IRAA, evidence has been introduced as to the original meaning and derivation of the term Hakko-Ichiu. Such evidence is completely irrelevant to any issue in this proceeding. The content of a word changes with the passage of time, and it is a well-known propaganda device to use a harmless expression to cover a criminal meaning. Whatever meaning the term Hakko-Ichiu had in 660 B.C., in view of the known plans and preparations for aggressive war F-96. e. Ex. 167, T. 1674.

1 in the years immediately preceding the Pacific War,
2 it had acquired a fully comprehensible aggressive
3 meaning which was known to and utilized by the
4 conspirators. In the second place, much stress has
5 been laid upon the fact that the IRAA was not a
6 political party, because it did not represent the views
7 of its members but rather those of the government, and
8 was, therefore, outside the scope of the laws regulating
9 political parties. The fact that the Japanese law did
10 not treat it as a political party is completely
11 immaterial, and the prosecution has never contended
12 that the IRAA was a political party of the type found
13 in democratic countries which represents the views of
14 its members and not of the government. Stress on this
15 point only serves to emphasize that which is clear,
16 that the IRAA was a faithful replica of the well-known
17 nazi-fascist prototype of political party, which
18 controls the people to benefit the government and to
19 suppress opposition.

20 F-98. The evidence has shown beyond any
21 question or doubt that the conspirators had carefully
22 prepared every aspect of Japanese life for aggressive
23 war in contemplation of and in preparation for the
24 execution of the final phase of the conspiratorial plan.
25

If the Tribunal please, Mr. Tavenner will

continue with the summation.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please.

3 B. THE ALLIANCES WITH THE AXIS FOR PREPARATION
4 FOR AGGRESSIVE WAR

5 F-99. The preparation of her armed forces,
6 her economy and her people for aggressive war was only
7 one side of Japan's blueprint for war in furtherance
8 of her policy of aggressive expansion. At the same
9 time as she was gearing the nations internally for
10 war, Japan, in accordance with her plans, also prepared
11 for war by entering into alliances with the Axis
12 powers, principally Germany, to provide herself with
13 allies who would aid her directly or indirectly,
14 diplomatically or militarily, as the situation might
15 require, in her program of expansion. Since with the
16 decision of August 7, 1936, the conspirators had
17 finally accomplished their mission of making their
18 conspiracy the national policy of Japan, there was
19 no longer any important internal opposition, and the
20 only restraint on Japan's expansion was that which
21 came from foreign powers. As already pointed out,
22 this opposition could come from two sources, the
23 Soviet Union and Western Powers, who had interests in
24 China and in the area involved in the advance to the
25

south.

1 F-100. The more immediate of the two obstacles
 2 to expansion was the Soviet Union. The Soviet Union
 3 presented a real dilemma for the conspirators and
 4 their plans. On the one hand, the Soviet Union was
 5 itself an object of the conspiracy of aggression.
 6 According to the accused ARAKI, Japan's ambition to
 7 dominate the continent of Asia might be said to have
 8 germinated in the Siberian Expedition of 1922.^{a.} As
 9 early as 1931, it was recognized by HIROTA, then am-
 10 bassador to the Soviet Union, that Japan must have a
 11 strong policy against the Soviet Union, being already
 12 to go to war at any time for the purpose not of halting
 13 communism^{b.} but for the conquest of Eastern Siberia.
 14 On the other hand, even if the Soviet Union had itself
 15 not been an object of Japan's aggression, it was a
 16 serious obstacle to Japan's movement to the south.
 17 For example, in the early part of 1936, the Kwantung
 18 Army had been restrained in its westward advance
 19 from Manchuria into Mongolia as a result of the mutual
 20 aid pact between Outer Mongolia and the Soviet Union.^{c.}
 21 For both of these reasons, as early as 1932 war with
 22 the Soviet Union was considered unavoidable.^{d.}

23 F-100 a. Ex. 667-A, T. 7310; b. Ex. 693, T. 7452
 24 c. Ex. 214, T. 2713-7; d. Ex. 734-A, T. 7647-8

1 F-101. The dilemma facing Japan was not,
2 therefore, the problem of going to war with the Soviet
3 Union, but rather the problem of choosing the proper
4 time for opening that war. If Japan opened war against
5 the Soviet Union before obtaining control of China and
6 the southern regions, she would be facing her strongest
7 continental enemy first. Not only was there a good
8 chance that Japan might be defeated in such a war, but
9 also, even if she did win, she might well be left in
10 a weakened condition which would require indefinite
11 postponement of the movement to the south. This would
12 mean that China, which was then, although weak, showing
13 signs of becoming more and more united under the strong
14 leadership of Chiang Kai-shek, might well become united
15 and powerful. This, in turn, meant not only the end
16 of an easy conquest of China, but also that China might
17 become a serious threat to Japan at her rear in a
18 war with the Soviet Union. If Japan would proceed first
19 against China, the conquest was expected to be easy.
20 After obtaining control of China's resources, Japan
21 would then be in a much stronger position to enter
22 into war with the Soviet Union. However, here again
23 there was the danger of unified opposition by both
24 China and the Soviet Union.
25

F-102. If the Soviet Union could be restrained

1 by an alliance of Japan with a third power from
2 entering into the conflict to assist China by being
3 faced, if she did enter, with a war with another
4 powerful enemy on another front, the better solution
5 would be to initiate in the first instance the aggressive
6 action against China. This was the solution finally
7 adopted. The plan of August 7, 1936, while electing
8 to move to the south, also recognized that the European
9 political situation had great influence on East Asia
10 and that Japan must exert its every effort to bring
11 European powers to its support, especially in restraining
12 the Soviet Union.^{a.} To accomplish this end the
13 European nation which Japan chose as her military
14 ally because of its political strength and bargaining
15 power was Germany, a nation then engaged in a program
16 of military preparation for aggressive action in Europe.

17
18 1. THE ANTI-COMINTERN PACT.

19 F-103. Even before the decision of August 7,
20 1936, the army had begun its negotiations for an
21 alliance with Germany. In March 1934, when the accused
22 OSHIMA was sent as military attache to Germany, he
23 was instructed by the General Staff to keep an eye
24 on German-Soviet relations and to try to discover
25 what might happen as far as Germany was concerned in

F-102. a. Ex. 704, page 3, T. 7523

the case of a war with the Soviet Union.^{a.} While
 1 in his cross-examination OSHIMA explained that by this
 2 statement he had meant to say "in case of a war
 3 between Germany and the Soviet", it is suggested that
 4 in view of the general evasiveness of this accused
 5 during his cross-examination, this explanation is
 6 only another attempt to escape the burdens of the
 7 implications of his earlier statements during the
 8 course of interrogation. Regardless of the meaning
 9 of OSHIMA's instructions, beginning in the spring of
 10 1935 negotiations were conducted between OSHIMA and
 11 Ribbentrop for a Japanese-German alliance.^{b.} After
 12 OSHIMA had reported the matter to the General Staff,
 13 Lieutenant Colonel WAKAMATSU was sent from the General
 14 Staff to Berlin, arriving in early December 1935.^{c.}

16 WAKAMATSU and OSHIMA consulted with the German authorities
 17 and reported that the Japanese General Staff was in
 18 favor of a general treaty. At this point, since the
 19 proposed treaty went beyond the autonomous power of
 20 the army, the matter was referred to the government.^{d.}

21 Upon the return of Ambassador MUSHAKOJI to Berlin
 22 in April 1936, the negotiations, which up to then had
 23 been conducted by OSHIMA as military attache, were
 24

25 F-103. a. Ex. 477, T. 5913, T. 34,073-5

" b. Ex. 477, T. 5914

" c. Ex. 477, T. 5915-6; Ex. 3492, T. 33,702-3

" d. Ex. 477, T. 5916; Ex. 3508, T. 33,986-7

continued by the Ambassador.^{e.} The result of the negotiations was the Japanese-German Anti-Comintern Pact of November 25, 1936.^{f.}

F-104. The Anti-Comintern Pact provided that the parties agreed to inform each other of communist activities, to discuss necessary measures for defense through cooperation and to invite third-party nations whose peace was menaced by the Comintern to take defense measures in the spirit of the pact or to participate in it. An accessory protocol provided for the establishment of a permanent committee for the purpose of facilitating close collaboration in matters concerning the exchange of information regarding the activities of the Communist International and the defensive measures to be taken against it.^{b.}

F-105. However, the pact as signed and made known to the world was only a blind for the secret agreement entered into between Japan and Germany and attached to the Anti-Comintern Agreement. In the secret agreement Japan and Germany agreed that if one of them were unprovokedly attacked or menaced by the Soviet Union, the other would not carry out any measure

F-103. e. Ex. 479, T. 5931-2; Ex. 3492, T. 33,705;
Ex. 3509, T. 33,987
" f. Ex. 36, T. 5934-6
F-104. a. Ex. 36, T. 5934-6; Ex. 3508, T. 33,987-9
" b. Ex. 484, T. 5958-9

which would in effect relieve the position of the Soviet Union, and that both would immediately consult on measures to preserve their common interests. It also provided that during the five-year period of the agreement the parties would not without mutual consent conclude political treaties with the Soviet Union which did not conform to the spirit of the agreement.^{a.} The pact was converted into a military alliance by this secret agreement together with the necessary protocol and the German assurance that its political treaties with the Soviet, such as the Rapallo Treaty of 1922 and the Neutrality Treaty of 1926, were not regarded as contradictory to the secret agreement and its obligations.^{b.} Notwithstanding that the Japanese Foreign Office proclaimed to the world that the pact was not directed toward any particular country,^{c.} both the secret agreement and the report of the Privy Council that the pact had as its object the protection of the common interests of Japan and Germany against the armed pressure asserted by the Soviet Union,^{d.} show that it was directed specifically against the Soviet Union.

F-105. a. Ex. 480, T. 5937-8
 " b. Ex. 480, T. 5939-40
 " c. Ex. 483-A, T. 5957
 " d. Ex. 484, T. 5960

F-106. The negotiations from the beginning
 1 had been directed against the Soviet Union. OSHIMA
 2 admitted that the matter first discussed by him and
 3 Ribbentrop was the question of not lightening the
 4 burdens of the Soviet if she became involved in war
 5 with one of the parties to the agreement.^{e.} It was
 6 not until December 1935 that the conclusion of an anti-
 7 comintern pact was proposed by Germany.^{b.} The pact
 8 as concluded was likewise aimed directly against the
 9 Soviet Union. This was made abundantly clear in the
 10 proceedings of the Privy Council.^{c.} While there was
 11 a great deal of discussion of the Comintern, much more
 12 of the discussion pertained directly to the question
 13 of the effect of the pact on the Soviet Union. Foreign
 14 Minister ARITA pointed out that it was the policy of
 15 the HIROTA Government to frustrate Soviet schemes of
 16 aggrandizement, which were evidenced by the "aggressive"
 17 actions of the Soviet Union in joining the League of
 18 Nations and in concluding non-aggression treaties
 19 defining aggressive nations, and to check Soviet advance
 20 into East Asia.^{d.} The final report of the Privy Council
 21 stated that Japan had planned for a coalition with Germany
 22 as the first step in this policy.^{e.}
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 24 F-106. a. T. 34,078 b. Ex. 3509, T. 33,987
 25 " c. Ex. 484, T. 5958-67, 22,477-88; Ex. 485, T. 5968-
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 " d. Ex. 484, T. 22,483-86 e. Ex. 485, T. 22,494

1 F-107. Although the secret pact provided for
2 nothing more than an agreement not to aid the Soviet and
3 for mutual consultation in the event of an unprovoked
4 attack by the Soviet Union on either party to the pact,
5 it was recognized at the very outset that this was only
6 the minimum aid that could be expected. In October,
7 1936, MUSHAKOJI, with Ribbentrop's approval, advised
8 ARITA that only the spirit of the secret agreement would
9 be decisive for Germany's future policy toward the Soviet
10 union. ^{a.} The final report of the Privy Council stressed
11 that the substance of the secret agreement had possibil-
12 ities for development depending upon the intentions of
13 the two countries. If danger of war between Japan and
14 the Soviet should arise, there was room to push the dis-
15 cussion beyond the agreement so that the Soviet had to
16 consider that it must face both Japan and Germany. Even
17 if Japan's military preparations should be inadequate,
18 the Soviet would not start anything if the substance of
19 the secret pact became known. ^{b.} It was thus made clear
20 that the pact was intended as the basis for future joint
21 military action with Germany in the event war should
22 break out between Japan and the Soviet Union.

23 F-108. The use of the Pact was not confined to
24 the relations with the Soviet Union. Both WAKAMATSU and
25 (F-107. a. Ex. 482, T. 5954.
b. Ex. 485, T. 5968-9.)

1 OSHIMA realized that the pact would not only forestall
2 Germany from drawing closer to the Soviet Union, but also
3 would enable Japan to obtain intelligence and new weapons
4 from Germany and would keep the latter from taking sides
5 with China.^{a.} The conspirators saw the pact as an
6 effective weapon against China. The Privy Council con-
7 sidered that the pact would further strengthen Japan's
8 position and would prove quite effective in making China
9 decide her attitude, and felt that Japan would be able
10 to use the situation to promote favorable developments in
11 Sino-Japanese negotiations.^{b.} In addition to regarding
12 the pact as an instrument of pressure on China, Japan
13 used it as an excuse for continued military aggression
14 against China. Within little more than half a year after
15 the conclusion of the pact, Japan attempted to justify
16 her actions in China as a fight against communism under
17 the Anti-Comintern Pact.^{c.} Germany remonstrated against
18 this use of the pact, pointing out that Japan's actions
19 might lead to the opposite result and foster communism in
20 China.^{d.} The fact that Japan continued her aggressive
21 action in China even after Germany's remonstrance and
22 and warning would tend to show conclusively that so far
23 as Japan or the conspirators were concerned they were not
24 (F-108. a. T. 33710-11, 34080.
25 b. Ex. 484, T. 5963.
c. Ex. 486-A, T. 5976.
d. Ex. 486-A, T. 5980-1.)

too greatly frightened by either communism or the Comintern. It shows clearly that she saw the pact only as a restraint against the Soviet Union and as a device for furthering her own aggressive ends.

F-109. The real significance of the Anti-Comintern Pact did not lie in its immediate or practical effects, regardless of their great importance for the effectuation of the conspiracy. It lay in the fact that by concluding the pact Japan took her first step toward allying herself with Germany, the then leading aggressive nation of Europe, if not of the world. The Japan of the conspirators found in Hitlerite Germany a kindred spirit. In October, 1933, Germany had withdrawn from the Disarmament Conference and the League of Nations. In March, 1935, it had established its air force and reintroduced compulsory military service. In March, 1936, its troops had occupied the Rhineland.^{a.} Internally Hitler had carried out the "Blood Purge" among his own followers and was pursuing his program of extermination of unwanted peoples. This was known to the leaders of Japan. Although HIRATA, in his explanation to the Privy Council on the Anti-Comintern Pact, noted in passing that the conclusion of the agreement in no way implied Japan's approval of Germany's principles on internal affairs,^{b.}

(F-109. a. T. 5906.

b. Ex. 484, T. 22481-2.)

the huge successes of the Nazi regime internally and
1 abroad were regarded by the Council as insurance of the
2 success of the pact.^{c.} Whatever his views on Germany's
3 internal principles, HIROTA did find that with respect
4 to third powers Germany was in a position similar to
5 Japan and must act like Japan.^{d.} While the Anti-Comintern
6 Pact was the first step for joint action taken by Japan
7 and Germany, it was not to be the last. From that time
8 on, Japan and Germany, nations with parallel histories
9 during the period of the conspiracy and with parallel
10 plans, increased the area of their co-operation and
11 collaboration until they had achieved a complete partner-
12 ship in crime.
13

14 2. STRENGTHENING RELATIONS BETWEEN JAPAN AND
15 GERMANY

16 F-110. Although Germany had protested vigorous-
17 ly against Japan's use of the Anti-Comintern Pact to
18 justify her aggressive action in China, it was, as has
19 already been seen, Germany to whom Japan turned to act as
20 mediator in the attempt to obtain peace with China in
21 accordance with Japan's demands. With the close of
22 Germany's unsuccessful efforts to bring the Sino-
23 Japanese conflict to an end, Germany completely reorient-
24 ed her policy toward Japan and the China conflict. On
25

(F-109. c. Ex. 484, T. 5964.
d. Ex. 484, T. 22481.)

January 26, 1938, Ambassador Dirksen advised the German Foreign Office that with the unsuccessful conclusion of German efforts to bring the parties together, a new chapter in the war, especially with regard to Germany, had begun. He recommended that German-Japanese relations be reviewed on the two-fold thesis that Japan would be the military factor and that China, insofar as it did not rely on England and America, would come more and more under Soviet influence. He recommended the immediate recall of all German military advisers from China, the complete suspension of delivery of war materials and supplies to China, the recognition of Manchukuo, and a reorientation of Germany's policy with respect to those areas of China under Japanese control.^{a.} These proposals were readily accepted in Germany, where on February 4, 1938, Ribbentrop replaced Neurath as Foreign Minister and Hitler assumed the supreme command after having made major changes in the army.^{b.} On February 20, 1938, Hitler recognized Manchukuo and expressed preference for a Japanese victory.^{c.} By the end of July, 1938, the German military advisers had already left China after being recalled and war material delivery to China had been stopped.^{d.} Thus, by early 1938, the accused who were

(F-110. a. Ex. 486-H, T. 6002-13.
b. T. 6001.
c. T. 6016.
d. Ex. 594, T. 6601.)

directing and influencing the course of Japanese aggression in China had won the unreserved support of Germany not only against the Soviet Union but also in favor of Japan's plans against China.

F-111. Germany's new policy toward German-Japanese relations included close economic and trade collaboration with Japan. The need for such collaboration, particularly with respect to North China, had been one of the chief motivating factors in Dirksen's recommendation for a new policy in January, 1938. Almost simultaneously with Dirksen's proposal, the accused TOGO, then Ambassador to Germany, stressed to Neurath that Japan took great interest in working together with Germany for Chinese economic development and that there would be no exclusion of German trade in China.^{a.} To effectively work out the economic development it was important, as HIROTA stressed in his instructions of 1938, that Japan have German co-operation through co-operative investment in important industries and the supply of materials for the railroad, transportation, mining, iron manufacturing and electrical machinery industries of North China.^{b.} To obtain these aids, HIROTA instructed TOGO to promise, in return for Germany's recognition of Japan's special position, that Japan would try not to put

(F-111. a. Ex. 486-D, T. 5992.
b. Ex. 2228-A, T. 15984-5.)

Germany in a position inferior to that of other countries
1 insofar as her activities in North China were concerned,
2 and in all future enterprises would try to give Germany
3 the best possible preference. In principle, both Japan
4 and Germany would stand as equals in the Chinese market,
5 and so far as possible in the Customs System. While
6 Japan, because of its responsibility in maintaining the
7 North China currency system, must have some special
8 position, Japan would fully respect and give preference
9 to Germany over any third country in setting up any
10 export-import system.^{c.}
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(F-111. c. Ex. 2228-A, T. 15985-6.)

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F-112. Having obtained from Ribbentrop a
recognition of Japan's special position in China and
an expression of Germany's willingness to do its best
for technical and economic cooperation with Japan,
TOGO presented to Ribbentrop on June 29, 1938, a
pro memoria, promising to Germany preferential rights
in China substantially as instructed by HIROTA.^{a.}
The proposal did differ from the original instruc-
tions in one important respect. TOGO, acting for
Japan, instead of limiting the area of operation to
North China as originally instructed or "to the area
under Japanese influence" as suggested by Germany,^{b.}
included all of China.^{c.} According to TOGO, Japan did
not wish to limit the area as suggested by Germany
because she hoped to extend her influence over all
China and it was undesirable to acknowledge the exist-
ence of areas which were or were not under Japanese
influence.^{d.} Thus, as early as the middle of 1938,
one of the accused conspirators was willing to and did
admit to Germany, which not only understood Japan's
program but approved it, the true extent of Japan's
aggressive aims toward China.

F-112. a. Ex. 591, T. 6585-8
b. Ex. 593, T. 6593
c. Ex. 592, T. 6588
d. Ex. 593, T. 6593

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F-112. a. Ex. 591, T. 6585-8
b. Ex. 593, T. 6593
c. Ex. 592, T. 6588
d. Ex. 593, T. 6593

1 F-113. However, Germany was not satisfied
 2 with the proposals contained in the pro memoria.
 3 Although TOGO explained that in practice Japan was
 4 willing to grant Germany a better position than all
 5 other nations and to demonstrate it as far as possible
 6 without committing itself in treaty form,^{a.} Ribbentrop
 7 did not consider the proposal satisfactory and stood
 8 on Germany's demand for a promise of preferential
 9 treatment as against third parties, which he deemed
 10 a natural consequence of the special relations between
 11 the two countries and of Germany's great sacrifice.^{b.}
 12 In support of its demand for preferential treatment,
 13 Germany charged and produced evidence to prove that
 14 Japan had ruthlessly eliminated all foreign trade in
 15 North China, including that of her German partner, in
 16 favor of the Japanese, corroborating in every detail
 17 the evidence already considered under the topic of
 18 Japan's economic domination of China.^{c.} Japan con-
 19 tinued to refuse to agree to Germany's demands in
 20 writing, but did agree in March 1939 to give de facto
 21 preferential treatment.^{d.} This agreement was carried
 22 out. In March 1941, MATSUOKA was able to report to
 23 Ribbentrop that the Japanese in China had been instruct-
 24 ed to give preferential treatment to German and Italian
 25

F-113. a. Ex. 592, T. 6589 c. Ex. 594, T. 6598-6600
 b. Ex. 594, T. 6597-8 Ex. 595, T. 6604-18
 d. Ex. 596, T. 6623-4

1 industries in Manchuria and North China, and that while
2 outwardly the policy would be that of the "open door,"
3 in fact preferential treatment would be given to Ger-
4 many and Italy.^{e.}

5 F-114. The defense contends that the evi-
6 dence of the dispute between Japan and Germany on this
7 issue establishes there was no conspiracy between
8 these nations. It is submitted that it is not at all
9 unique for co-conspirators to distrust each other or
10 to quarrel prospectively or retrospectively over the
11 division of spoils. In fact, in the present instance
12 there was no quarrel over dividing the spoils. Japan
13 did promise Germany the preferential privileges it
14 demanded. The real issue was solely Germany's distrust
15 of Japan in light of past and contemporary events.
16 While the reason is not clear for Germany's insistence
17 that the promise be written or for her feeling that
18 Japan's written promise would be more trustworthy in
19 view of the history of both Germany and Japan with
20 respect to commitments both oral and written, the
21 reason for Japan's refusal is quite simple. To openly
22 have granted preferential rights to Germany might well
23 have brought about an economic break with England and
24

25 F-113. e. Ex. 580, T. 6526-7

the United States. Japan, which was importing from those countries enormous quantities of materials needed for her war preparations, was not yet sufficiently prepared to do without these imports.

F-115. The cooperation between Japan and Germany became even closer with the conclusion of a cultural treaty on November 25, 1938. This treaty provided for systematic promotion of cultural relations in the fields of science, fine arts, music, literature, motion pictures, radio broadcasts, child and youth movements, sports and in other ways.^{a.} While the treaty was on its face only a cultural agreement, the language sed in its text led one of the Privy Councillors to warn that there was a possibility that politics would be influenced during its lifetime.^{b.} While ARIKA^{c.} denied this, at the opening session of the German-Japanese Culture Commission in April, 1940, it was made clear by Weizsacker that the treaty would be an effective instrument in deepening the political friendship^{d.} of the two nations.

3. THE STRENGTHENING OF THE ANTI-COMINTERN PACT

F-116. Having embarked upon a program of

F-115. a. Ex. 37, T. 6570 c. Ex. 589, T. 6576
b. Ex. 589, T. 6575-7 d. Ex. 590, T. 6583

1 preparation for war and having demonstrated similar
 2 intentions of waging aggressive war in their respect-
 3 ive spheres of the world, Japan and Germany determined
 4 to strengthen their international position by inducing
 5 other nations to unite in close association with them.
 6 Adherence to the Anti-Comintern Pact was the device
 7 used to accomplish this purpose. On November 6, 1937,
 8 Italy became a party to the Pact.^{a.} However, she did
 9 not join in or even know of the secret agreement to
 10 the original pact.^{b.} Thereafter, Manchukuo and Hun-
 11 gary joined in February 1939,^{c.} and Spain joined in
 12 March 1939.^{d.} On March 23, 1939, a cultural agreement
 13 similar to that of Germany and Japan was concluded
 14 between Japan and Italy.^{e.}

15 F-117. Although adherence by other nations
 16 to the Pact was in itself an important method of
 17 strengthening it, the more important development was
 18 the strengthening of the substance of the pact. In
 19 the meeting of the Privy Council of February 22, 1939,
 20 which approved the participation of Hungary and Man-
 21 chukuo, ARITA stated that not only was the Pact to
 22 be strengthened by increasing the number of partici-
 23 pants but that the Pact was to be increased in sub-
 24 stance from a mere exchange of information to coopera-
 25

F-116. a. Ex. 36, T. 6036 d. Ex. 494, T. 6045

b. Ex. 491, T. 6039-42 e. Ex. 38, T. 499, 513

c. Ex. 493, T. 6045-6

tion in economic and financial relations. ^{a.} The real strengthening of the Pact was recognized as depending on the close collaboration among the powers having the greatest interest and real strength. It was pointed out emphatically that changes in the substance of the Pact would be planned by Japan, Germany and Italy, regardless of the number of other nations who should become parties to the Pact. ^{b.}

F-118. At the expiration of the five year period of the Pact on November 25, 1941, the Pact was renewed and at that time Bulgaria, Denmark, Finland, Croatia, Roumania, Slovakia and the puppet Nanking Regime, all satellites or puppet governments of Japan, Germany and Italy, were admitted to the Pact by declarations of adherence. ^{a.} At the same time the secret agreement to the Pact was abrogated. ^{b.} However, on November 25, 1941, there was no longer any real need for Japan to have the protection of the secret agreement. Germany and the Soviet Union were at war and at that time Germany appeared to have the upper hand. Japan had no fear that the Soviet Union would for the time being interfere with Japan's own plans of aggression. It appeared that at least temporarily, if

F-117. a. Ex. 491, T. 6037-9

b. Ex. 491, T. 6039-40

F-118. a. Ex. 495, T. 6046; Ex. 496, T. 6047-8

b. Ex. 2694, T. 23563

1 not permanently, that obstacle to Japan's aggression
2 had been eliminated.

3 4. THE TRIPARTITE PACT

4 F-119. Not only was the closer rapprochement
5 between Japan and Germany evidenced by economic and
6 cultural collaboration and by a strengthening of the
7 Anti-Comintern Pact, but also negotiations were con-
8 ducted for the purpose of bringing Germany, which was
9 about ready to embark upon its program of aggression
10 in Europe, and Japan, which was already committed to
11 a major war of aggression in China, together in a
12 military alliance for the furtherance of their common
13 aggressive ends. In January 1938, in line with the
14 expressed desire to strengthen the Anti-Comintern Pact,
15 Ribbentrop suggested to OSHIMA, then military attache,
16 the advisability of closer collaboration between Ger-
17 many and Japan. This suggestion, according to OSHIMA,
18 was passed on to the General Staff, and in June 1938
19 the Shuninbu of the Staff replied that it approved
20 the furtherance of German-Japanese cooperation but the
21 main point was for the parties to agree to act in
22 accord in dealing with the Soviet Union.^{a.} When in
23 July OSHIMA proposed an agreement to consult in case
24

25 F-119. a. Ex. 497, T. 6051-2

1 of an attack by the Soviet, Ribbentrop disapproved
 2 of the idea of a consultation pact as too weak and
 3 suggested a mutual aid treaty aimed not only at the
 4 Soviet Union but at all countries.^{b.} He then showed
 5 OSHIMA a brief draft of such a proposed treaty be-
 6 tween Japan, Germany and Italy.^{c.} At the end of July,
 7 OSHIMA sent General KASAHARA to take the matter up
 8 with the General Staff in Tokyo. The matter developed
 9 quickly in Tokyo, and by the end of August it had
 10 been taken up by the Five Ministers Conference, of
 11 which ITAGAKI was a member.^{d.} The Five Ministers Con-
 12 ference arrived at its decision and had it trans-
 13 mitted to OSHIMA about August 29, 1938, through the
 14 War Ministry in the form of two consecutive telegrams
 15 of the same day which OSHIMA identified.^{e.} The first
 16 telegram stated that except for certain conditions
 17 mentioned, the Army and Navy were in agreement with
 18 the purport of the proposed treaty. In addition to
 19 important textual changes, the instruction stated
 20 that Japan would like to prescribe clearly and in de-
 21 tail the methods of execution and to limit the sphere
 22 of the conditions of military aid to be given in
 23 accordance with the secret treaty to be attached to
 24

25 F-119. b. Ex. 497, T. 6052. e. Ex. 3514, T. 34116;
 c. Ex. 3508, T. 33998 Ex. 3515, T. 38118
 d. Ex. 497, T. 6053-5;
 Ex. 3508, T. 33998

f. The second telegram instructed that the preamble should make clear that the treaty was an extension of the Anti-Comintern Pact and that the Soviet Union was the chief object. Care was to be taken to avoid giving the impression that England and the United States were the principal enemies. The obligation of military aid was not to be instantaneous or unconditional. In order to nullify the danger of becoming involved in a purely European conflict against Japan's will, there was to be a conference before Japan entered into the conflict with military aid. The plain import of these two telegrams, comprising a single instruction, was clearly that while Japan was willing to enter a military alliance with Germany and Italy aimed at the Soviet Union, Britain and the United States, she regarded the Soviet Union at that time as her greatest enemy; that she was, accordingly, willing to grant to the other parties greater aid in the event they became involved in a war with the Soviet than she was willing to give to them in the event they became involved in a war with England and the United States; and that she desired to reserve her freedom of action and wanted the exact military

F-119. f. Ex. 3514, T. 34116-7
g. Ex. 3515, T. 34119

aid she was to give in each instance against each power to be spelled out in an attached secret treaty. Notwithstanding the clear import of the instructions, OSHIMA communicated to Germany, according to his own witness KASAHARA, that the Five Ministers' Conference had approved in general the German proposal and acknowledged the duty of mutual military assistance in case the contracting powers were attacked without provocation, with the qualification that Soviet Russia would be the primary, and other countries the secondary, objects of the mutual assistance pact.^{h.}

F-120. The negotiations at this time passed from the military to the diplomatic level, but at the same time continued to remain in the hands of OSHIMA, who became ambassador to Germany on October 8, 1938.^{a.} Almost as soon as he became ambassador, OSHIMA transmitted to the Foreign Office the German draft of the proposed treaty, the text of which had been written by himself, Fribbentrop and Ciano.^{b.} Shortly after receiving it, Foreign Minister ARITA replied that the treaty would facilitate the settlement of the China Incident, would strengthen the position against Russia, allowing troops to be deployed elsewhere, and would

F-119. h. Ex. 3493, T. 33719.

F-120. a. Ex. 121, T. 767 Ex. 3508, T. 34008;
b. Ex. 497, T. 6057-8; Ex. 502, T. 6099

strengthen Japan's position internationally: ARITA

also stated that Japan was contemplating a concrete counter-proposal which would be cabled when decided on.^{c.}

F-121. While waiting for the Japanese counter-proposal, no time was lost - efforts were made to bring Italy into the alliance. In September, Germany had approached Italy to join the alliance, but Italy had asked for time to consider, deeming the time not yet ripe for such a treaty. In December 1938, OSHIMA, upon the request of Ribbentrop and with the consent of the Foreign Office, went to Italy where he received the same reply from Mussolini as that given to Ribbentrop.^{a.} In the latter part of December 1938, SFIRATORI became ambassador to Italy with the expectation that he would succeed in concluding an Italo-Japanese-German military alliance.^{b.} Early in January 1939, Mussolini communicated to Ribbentrop his decision to unite in the proposed alliance.^{c.}

F-120. c. Ex. 427, T. 6053;
Ex. 3503, T. 34000-1

F-121. a. Ex. 497, T. 6060-1
b. Ex. 498, T. 6082-3
c. Ex. 497, T. 6061

F-122. In the main negotiations, when there
 1 had been no reply for some time from the Foreign Office,
 2 OSHIMA made inquiry, and learned in reply that it as
 3 feared that arguments might occur with Germany over
 4 naming nations other than Russia as secondary, and a
 5 commission headed by ITO was being sent in order to clear
 6 up this point and to convey and explain the instruction
 7 decided on by Japan.^a The proposal brought by the ITO
 8 Commission provided for secret understandings that Japan
 9 would not render any military assistance in case Germany
 10 and Italy were attacked by countries other than the
 11 Soviet Union unless those countries had turned communistic,
 12 and that explanations would be given to third parties
 13 that the treaty was an extension of the Anti-Comintern
 14 Pact.^b OSHIMA and SHIRATORI thereupon remonstrated
 15 with the Foreign Office because the plan contradicted
 16 OSHIMA's own commitment to Germany, and they asked for
 17 reconsideration of the secret understanding.^c

19 F-123. It is rather difficult to follow
 20 OSHIMA's justification of his commitment to Germany
 21 in excess of the desires of his government. He maintains
 22 that the commitment was given in accordance with his

23 F-122

- 24 a. Ex. 497, T. 6059-60; Ex. 3508, T. 34001-2.
 25 b. Ex. 3508, T. 34002-3
 c. Ex. 3508, T. 34004; Ex. 3494, T. 33738-9

1 instructions. Yet the instructions themselves, exhibits
2 3415 and 3515, discussed shortly prior hereto, were
3 clearly contrary to the commitment. The commitment only
4 embodied part of the instructions and omitted other
5 equally important parts. Furthermore, there is no
6 ambiguity in the instructions which might have led to
7 a mistaken interpretation, and the only possible
8 inference is that OSHIMA used only such part of his
9 instructions as met with his own personal views. This
10 conflict between OSHIMA and the other conspirators,
11 of course, does not establish that there was no conspir-
12 acy. Here, again, there is another conflict between
13 the various conspirators as to the proper timing of a
14 particular act in furtherance of the conspiracy. None
15 of the conspirators was opposed to a military alliance
16 with Germany. However, they did differ at that particular
17 time as to the scope of the alliance. On the one hand,
18 one group of conspirators felt that a military alliance
19 for action against nations other than the Soviet Union
20 was untimely since it was already apparent that Germany's
21 program of aggression by bluff was about to come to an
22 end and her next aggressive move might bring her into
23 war with the strong Western Powers, especially in view
24 of the fact that Japan's preparation for war against
25 the Western Powers would not be completed until the

1 end of 1941. On the other hand, other conspirators
2 like OSHIMA and SHIRATORI desired to have at that
3 time an outright military alliance against all nations.

4 F-124. The faction of the conspirators in
5 favor of a military alliance with Germany and Italy
6 against all nations, represented by OSHIMA, SHIRATORI
7 and ITAGAKI, endeavored to impose its convictions to
8 influence and direct Japanese policy and to make Germany
9 and Italy remain adamant to Japan's proposals. Accord-
10 ing to Count Ciano, the Italian Foreign Minister, even
11 before the ITO Commission brought the Japanese proposal
12 to Europe, SHIRATORI, on February 6, 1939, advised
13 Ciano that a Japanese counter-proposal would be made
14 and that it would be a compromise proposal which he
15 advised Italy not to accept.^a When the ITO Commission
16 brought the Japanese proposals, both OSHIMA and SHIRATORI
17 refused to follow the advice of the commission or to
18 communicate the proposal through official channels.
19 Instead, they communicated the counter-proposal
20 confidentially to Ciano and Ribbentrop. They threatened
21 to cause the fall of the Cabinet unless the latter
22 reconsidered its stand.^b This story as told in the
23 contemporaneous diary of Ciano was confirmed in every
24

25 F-124

a. Ex. 501, T. 6095-7

b. Ex. 501, T. 6096-7

1 respect by Ribbentrop in a telegram to Ott on April 26,
2 1939.^c In this connection it should be noted that the
3 same story is told by two different fellow-conspirators
4 at different times, one writing secretly in his own
5 diary for his own record and the other writing officially
6 to an important conspirator working on behalf of the
7 military alliance. This is of great importance in view
8 of the fact that the accused, particularly OSHIMA, have
9 attacked generally the veracity of the communications
10 and writings of both Ciano and Ribbentrop. One of them
11 might have misunderstood OSHIMA and SHIRATORI; that
12 both of these Foreign Ministers should have misunderstood
13 them is incredible. Moreover, OSHIMA had and has a most
14 remarkable penchant for being misunderstood. In the
15 course of his defense, both general and individual, we
16 find that he was misunderstood and misinterpreted,
17 deliberately or innocently, not only by the interpreter
18 employed during the prosecution's interrogation, but
19 also by every German and Italian official with whom he
20 came in contact, including Ribbentrop, Himmler, Ott,
21 Stahmer, Weizsacker, Ermannsdorf, Wehl and Ciano.
22 Since these various persons all seem to corroborate each
23 other, to accept OSHIMA's story we must assume that either
24

25 F-124

c. Ex. 502, T. 6100

these officials all joined together to misrepresent
1 OSHIMA, for which view there is no evidence, or that
2 OSHIMA was remarkably unable for a high-ranking official
3 to make his views clearly known, a fact which has been
4 clearly proved to be untrue by his long performance in
5 the witness box in this Tribunal, where he demonstrated
6 his qualifications in both the Japanese and English
7 languages and admitted his knowledge of German. The
8 contention that the German officials shaded their reports
9 on OSHIMA's views is patently ridiculous in face of the
10 well known fact that the German Gestapo was so well
11 organized that any such maneuver on the part of a Hitler
12 henchman would soon have been discovered and have brought
13 instant reprisals.
14

15 F-125. The actions of the faction in favor of
16 an all-out alliance against all nations were partially
17 effective. In April, Japan reconsidered her stand and
18 presented a new draft of the treaty. The proposal
19 corresponded fundamentally with the German-Italian
20 draft but requested that in the publication of the
21 pact an explanation be made which would tend to soften
22 the attitude likely to be taken by England, France and
23 America. The reason assigned for the need of such a
24 limited interpretation was that for both political and
25 economic reasons Japan was not yet in a position to

1 come forward openly as the opposer of the three democra-
2 cies.^a Once again, OSHIMA and SHIRATORI told the govern-
3 ment that this proposal was impossible and again trans-
4 mitted the matter to Ciano and Ribbentrop unofficially.
5 Both Germany and Italy declined to consider the
6 proposition.^b

7 F-126. In the meantime, the divergence of
8 views among the conspirators as to the scope of the
9 proposed alliance also existed among the conferees in
10 the Five Ministers Conference. On the one hand, ITAGAKI
11 and the Finance Minister favored the outright alliance
12 while the Foreign and Navy Ministers were opposed to
13 it.^a After many conferences (which reached a total of
14 over seventy during the HIRANUMA Cabinet on this matter)
15 a compromise was reached in the so-called HIRANUMA
16 Declaration of May 4, 1939. In this declaration HIRANUMA
17 expressed admiration for Hitler and his work in recon-
18 structing Germany and referred to his own task of
19 establishing a New Order in East Asia. After praising
20 the Anti-Comintern Pact, he advised Hitler that Japan
21 was firmly and steadfastly resolved to stand at the
22 side of Germany and Italy even if one of them were
23 attacked by one or more powers without the participation
24

25 F-125 a. Ex. 502, T. 6100-2
b. Ex. 502, T. 6101-2

F-126 a. Ex. 504, T. 6108 ff.
b. Ex. 2735-A, T. 24290

1 of the Soviet Union and to afford them political and
2 economic, and to the extent possible, military assistance.
3 However, he explained that Japan was at the time in a
4 situation where she could not extend military aid in a
5 practical and effective manner, but that such support
6 would be given when a change in the circumstances made
7 it possible.^c

8 F-127. Following this declaration, Germany
9 began to apply pressure to bring Japan into an all-out
10 alliance. Ribbentrop informed OSHIMA that a German-
11 Italian Pact would be signed in May and that it was
12 desirable that Japan make her final decision quickly,
13 so as to make it possible to formulate secretly the
14 Tri-Partite Pact simultaneously with the signing of the
15 German-Italian Pact. He declared that Germany and
16 Italy were determined to continue their policy toward
17 Japan, but pointed out that it must be clear to Japan
18 that the consolidation of her position in East Asia, par-
19 ticularly in China, depended first on the superiority of
20 the Axis Powers over the Western Powers.^a In the last
21 days before the conclusion of the German-Italian Pact
22 on May 22, 1939, the Japanese Cabinet made strenuous
23 efforts to come to a final decision. In a strictly

24 F-126

25 c. Ex. 503, T. 6104-5

F-127

a. Ex. 486-K, T. 6115-9

confidential and unofficial conversation, OSHIMA advised
1 Ribbentrop that according to Foreign Minister ARITA, Japan
2 wished to reserve entrance into war in case of a European
3 conflict and that OSHIMA had notified ARITA of his refusal
4 to pass this information on to Germany. He also reported
5 that ITAGAKI had requested OSHIMA to hold up further
6 action with regard to ARITA so as not to disturb the
7 factions in their discussions and had disclosed that the
8 army was firmly resolved to fight the matter out quickly,
9 even at the risk of overthrowing the Cabinet.^b On June
10 5, 1939, the Cabinet reached a decision agreeing to
11 Japanese participation in a German war against England
12 and France with the reservation that Japan should have
13 the right to choose a favorable time for entering the war.^c

15 F-128. However, this proposal was not satis-
16 factory and Germany sought another solution for her
17 problem. At this time, the decision of Germany and
18 Italy to wage aggressive war in Europe had already been
19 made and the only open question was the time of its
20 initiation. At a conference between Goering, Mussolini
21 and Ciano in late April 1939, it had been decided that
22 Germany and Italy would not permit themselves to be

23 F-127

24 b. Ex. 2230, T. 15991-2
25 c. Ex. 614, T. 6793

provoked into a conflict, but would wait for the opportune
1 moment. In the meantime, they would speak of peace and
2 prepare for war.^a In preparation for this war, Germany
3 and Italy sought the participation of Japan. This
4 participation would not only aid the war with England and
5 France, but would effectively neutralize the Soviet Union
6 which, if it intervened, would have to face a two-front
7 war. Failing this, some other method of neutralizing
8 the Soviet Union would have to be found. As early as
9 April 1939, Ribbentrop advised OSHIMA and SHIRATORI
10 that if the Tri-Partite negotiations were delayed too
11 long, it might become necessary for Germany to consider
12 a non-aggression pact with the Soviet Union.^b Such a
13 pact was concluded between Germany and the Soviet Union
14 on August 23, 1939.^c

16 THE PRESIDENT: We will adjourn until half-past
17 nine tomorrow morning.

18 (Whereupon, at 1630, an adjournment
19 was taken until Monday, 16 February 1948, at
20 0930.)

21 - - -

22
23
24 F-128 a. Ex. 505, T. 6114
b. Ex. 487, T. 6080
25 c. T. 6121-2